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COUNCIL JOURNAL

OF THE

THIRTEENTH SESSION

OF THE

Legislative Assembly

OF THE

TERRITORY OF MONTANA,

BEGUN AT HELENA, THE CAPITAL OF SAID TERRITORY, ON THE EIGHTH
DAY OF JANUARY, A. D. 1883, AND CONCLUDED ON THE
EIGHTH DAY OF MARCH, A. D. 1883.

PUBLISHED BY AUTHORITY.

GEO. E. BOOS, PUBLIC PRINTER,
HELENA, MONTANA TERRITORY.

1883,

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THIRTEENTH LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF MONTANA.

COUNCIL JOURNAL.

FIRST DAY.

COUNCIL CHAMBER,
Helena, M. T., January 8, 1883.

Pursuant to a custom which has obtained in the Territory of Montana, Harry R. Comley, Chief Clerk of the Twelfth Legislative Council, at 12 M., having failed to call the roll of members returned as elected to the Legislative Council of the Thirteenth Legislative Assembly from the various Council Districts of Montana Territory, as evidenced by the election returns deposited with the Territorial Auditor, and having waited eighteen minutes beyond said hour, then declared to the members there present that his duties as chief clerk had terminated, and thereupon left said council chamber, still refusing and failing to call the roll of members returned as elected to this Council.

Now, upon motion of Mr. W. A. Chessman, duly seconded, Mr. Benjamin F. White, of Beaverhead, was elected President *pro tem*, and thereupon assumed the chair.

Also upon motion of Mr. W. A. Chessman, duly seconded, Mr. James B. Wells was elected Chief Clerk *pro tem*, and thereupon assumed his duties, and having duly called the roll of members returned as elected to the Legislative Council of the Thirteenth Legislative Assembly from the various Council Districts of Montana Territory, as evidenced by the election returns deposited with the Territorial Auditor, the following named gentlemen appeared and answered to their names, to wit:

From the Council District composed of the counties of Choteau and Dawson, Mr. H. S. Back,

From the Council District, composed of the county of Lewis and Clarke, Messrs William A. Chessman and Warren O. Gillette.

From the Council District, composed of the county of Gallatin, Mr. George H. Thomas.

From the Council District, composed of the county of Beaverhead, Mr. Benjamin F. White.

From the Council District, composed of the county of Silver Bow, Mr. Aaron C. Witter.

Upon motion of Mr. H. S. Back, duly seconded, Mr. Samuel Alexander was elected Sergeant-at-arms, and Doorkeeper *pro tem*.

Upon motion of Mr. W. C. Gillette, duly seconded, Mr. William Woodcock was elected Watchman, *pro tem*.

Upon motion of Mr. W. A. Chessman, duly carried, a recess was taken until 3:05 o'clock p. m. this day.

3:05 O'CLOCK P. M.

The President *pro tem* in the chair.

The roll being called, no quorum was present.

The following certified copy of the names of all members returned as duly elected was presented by Mr. W. C. Gillette, and upon motion, duly seconded, read.

TERRITORY OF MONTANA,

County of Lewis and Clarke.

} ss.

I, J. P. Woolman, Territorial Auditor, do hereby certify that the following named persons received the greatest number of votes for Councilmen, in the several Council Districts of this Territory, at the general election, held November 7, A. D. 1882, as shown by the certified abstracts of the County Clerks, on file in my office, as follows, to wit:

Back, H. S., in the counties of Chateau and Dawson.

Bass, W. E., in the county of Missoula.

Cardwell, Edward, in the county of Jefferson.

Chessman, William A., in the county of Lewis and Clarke.

Cox, Charles G., in the county of Custer.

Gillette, Warren C., in the county of Lewis and Clarke.

Mitchell, A. H., in the county of Deer Lodge.

Morris, William A., in the county of Madison.

Stuart, Granville, in the county of Meagher.

Thomas, George D., in the county of Gallatin.

White, Benjamin F., in the county of Beaverhead.

Witter, Aaron C., in the county of Silver Bow.

Given under my hand and official seal at Helena, Montana, this 8th day of January, A. D., 1883.



J. P. WOOLMAN,
Auditor.

Motion made by W. A. Chessman, duly seconded and carried, that recess be taken until 4 o'clock p. m. this day.

4 O'CLOCK P. M.

The President in the chair.

The roll being called, no quorum was present.

Upon motion of Mr. H. S. Back, duly seconded, the clerk was directed to furnish the sergeant-at-arms with a list of the names of absent members. Said members to be by him requested to be in attendance at all further meetings of the Council.

Upon motion of Mr. H. S. Back the Council adjourned to 10 o'clock a. m. Tuesday, January 9th, 1883.

JAMES B. WELLS,
Chief Clerk pro tem.

SECOND DAY.

COUNCIL CHAMBER,
Helena, M. T., January 9th, 1883.

Council met pursuant to adjournment at 10:10 a. m.

Mr. President *pro tem* in the chair.

Roll called; no quorum.

Journal of yesterday read, corrected and approved.

On motion of Mr. H. S. Back, the President appointed Messrs Chessman, Back and Witter a committee to wait upon one of the Justices of the Supreme court, and request him to administer the official oath to the members of the Council present.

On motion, recess was taken until 11 a. m. this day.

11:00 O'CLOCK A. M.

Council resumed.

Roll called, no quorum present.

The committee appointed to wait upon the chief justice of the supreme court or one of the associate justices, having returned and reported, Mr. Associate Justice Conger of the supreme court of the Territory of Montana, appeared within the Council and administered the oath of office to the members whose names are attached to the following copy of the oath.

TERRITORY OF MONTANA,

County of Lewis and Clarke.

ss.

I do solemnly affirm that I will support, protect and defend the constitution of the United States, and the organic act of the Territory of Montana, and that I will discharge the duties of my office with

fidelity, that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election, except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Territory, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or either valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law.

H. S. Back, ... Member of the Council.

Wm. A. Chessman, ... " " " "

Warren C. Gillette, ... " " " "

George D. Thomas, ... " " " "

Benj. F. White, ... " " " "

Aaron C. Witter, ... " " " "

Subscribed and sworn to before me this 9th day of January, 1883.

E. J. CONGER, *Associate Justice*,
Montana Territory.

On motion of Mr. H. S. Back, the thanks of the Council were tendered to the Hon. Associate Justice for his courtesy in administering the above oath.

On motion of Mr. Witter the Council took a recess until 11:40 a. m. this day.

11:40 O'CLOCK A. M.

Council resumed.

Mr. President in the chair.

Roll called, no quorum present.

Mr. George D. Thomas, of Gallatin, being present, was duly sworn by the associate justice of the supreme court, the Hon. Justice Conger, and subscribed to the above oath.

Motion by Mr. H. S. Back and carried, that recess be taken until 2 o'clock, p. m. this day.

2 O'CLOCK, P. M.

President *pro tem* in the chair.

Roll called—no quorum.

The following communication was received:

HOUSE OF REPRESENTATIVES,

Helena, Montana, Jan. 9, 1883.

Mr. President:

I am directed by the House to inform your honorable body that the House adopted the resolution herewith enclosed, and has ap-

pointed in conformity therewith Mr. Blake and Mr. Forbis.

DAVID MARKS,
Chief Clerk.

The committee of the House named in the above communication appeared at the bar of the Council and presented the following resolution and list of the officers of the House, in writing:

Resolved, That a committee of two be appointed by the chair to proceed to the chamber of the Council and inform that body that the House has organized by the election of the following officers, to-wit:

Speaker—Hon. Alexander E. Mayhew;
Chief Clerk—David Marks;
Enrolling and Engrossing Clerk—James W. Kemper;
Sergeant-at-Arms—Newton Dickenson;
Watchman—Jno. O. Shannon;
Messenger—Stonewall Roe;
Chaplain—Rev. Frederick T. Webb;

And that the House is now ready to proceed with the business of the session.

The call of the house having been ordered and absentees noted, as follows:

Bass, Cardwell, Cox, Mitchell, Morris and Stuart.

The clerk was directed to furnish a list of their names to the sergeant-at-arms, who was instructed to request their attendance.

The sergeant-at-arms, in accordance with such instructions, left the council chamber and in fifteen minutes returned, reporting his failure to find any of the absentees.

The sergeant-at-arms again being instructed to find said absentees and report to the Council at 3:30 p. m. this day, at said hour returned announcing his inability to secure the attendance of said absentees.

The hour of 6:30 p. m., having arrived, the motion of Mr. H. S. Back to adjourn until 10 o'clock a. m., January 10th, 1883, prevailed.

JAMES B. WELLS,
Chief Clerk pro tem.

THIRD DAY.

COUNCIL CHAMBER,
Helena, Montana Territory, Jan. 10, 1883.

Council met pursuant to adjournment at 10 o'clock a. m.

Mr. President *pro tem* in the chair.

Roll called—no quorum present.

Upon motion of Mr. H. S. Back, duly seconded, Dennis Sweeney was appointed messenger *pro tem*.

Journal of yesterday read and approved.

Upon motion of Mr. H. S. Back, Council took a recess until 2 p. m. this day.

2 o'clock, p. m.

Council resumed.

Mr. President *pro tem* in the chair.

Roll called—no quorum.

Upon motion by Mr. H. S. Back, a call of the house was directed and a list of the names of absentees to be furnished the sergeant-at-arms.

Roll called—Absent: Bass, Cardwell, Cox, Mitchell, Morris and Stuart.

Sergeant-at-arms being so instructed, departed in search of absent members.

Motion made by Mr. H. S. Back to adjourn until 3:30 p. m. this day, carried.

3:30 o'clock p. m.

Council met after adjournment.

President *pro tem* in the chair.

Roll called—no quorum.

The following communication was presented by Mr. A. C. Witter and read by the clerk, and upon motion of Mr. H. S. Back, was directed to be placed upon file.

On motion of Mr. A. C. Witter, Council adjourned until 10 o'clock a. m., January 11th, 1883.

JAMES B. WELLS,
Chief Clerk *pro tem*.

FOURTH DAY.

COUNCIL CHAMBER,
Helena, Montana Ter., Jan. 11, 1883.

10 o'clock a. m.

Council met pursuant to adjournment.

Mr. President *pro tem* in the chair.

Roll called—no quorum present.

Journal of yesterday read and corrected.

Upon motion of Mr. A. C. Witter, recess was taken until 2 o'clock p. m. this day.

2 o'clock P. M.

Council resumed.

Mr. President *pro tem* in the chair.

Roll called, no quorum present.

The call of the House having been ordered, upon motion of Mr. H. S. Back, the following names of those members absent were noted: Messrs. Bass, Cardwell, Cox, Mitchell, Morris and Stuart.

Whose names having been furnished by the clerk to the sergeant-at-arms, the latter officer was instructed to seek for said absentees, and report to the Council at or before the hour of 3:30 p. m. this day.

The sergeant-at-arms, returning at said hour, reported that he had found but one member, who ignored his request to be present.

Upon motion of A. C. Witter, Council adjourned until 10 o'clock a. m. January 12th, 1883.

JAMES B. WELLS,

Chief Clerk *pro tem*.

FIFTH DAY.

COUNCIL CHAMBER,

Helena, Montana Ter., January 12, 1883.

10 o'clock A. M.

Council met pursuant to adjournment.

Mr. President *pro tem* in the chair.

Roll called—no quorum.

Upon motion of Mr. A. C. Witter, Council adjourned until 10 o'clock a. m., January 13th, 1883.

JAMES B. WELLS,

Chief Clerk *pro tem*.

SIXTH DAY.

COUNCIL CHAMBER,

Helena, Montana Territory, January 13th, 1883.

Pursuant to adjournment of preceding day, Council met at 10 o'clock a. m.

Mr. President *pro tem* in the chair.

Roll called quorum present.

Mr. A. B. Hamilton, claiming to be member elect from the council district composed of the counties of Choteau and Dawson, advanced to the clerk's desk, placing thereon a communication alleged by him to be his certificate of election as a member of the Council from said district, and asked that his name be placed upon the list of members.

Mr. President ruled the action out of order.

Upon motion by Chessman, a committee of two, consisting of Chessman and Mitchell, was appointed by the President *pro tem* to wait upon the chief justice, or one of the associate justices of the supreme court and request him to administer the official oath to those members of the Council who had not taken it.

On motion of Morris, recess was taken until 10:20 a. m., this day.

10:20 O'CLOCK A. M.

Council resumed.

Mr. President *pro tem* in the chair.

Roll called—quorum present.

E. J. Conger, associate justice of the supreme court of the Territory of Montana, appeared within the bar of the Council and administered the oath of office to those members not previously qualified, whose names are attached to the following copy of the oath :

Mr. Hamilton, thereupon advancing among those members about to take the oath of office, asked that the oath be administered to him as the member elect from Choteau and Dawson Council District.

The President *pro tem* refused to entertain Mr. Hamilton's request, on the ground that the member from said district, Mr. H. S. Back, was already seated.

Mr. Hamilton, thereupon, retired and the oath, as follows, was duly administered :

TERRITORY OF MONTANA,

County of Lewis and Clarke,

} ss.

I do solemnly affirm that I will support, protect and defend the Constitution of the United States and the Organic Act of the Territory of Montana, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election, except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Territory, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law.

A. H. Mitchell,	-	-	-	-	Member of the Council,
William W. Morris,	-	-	-	-	" " "
W. E. Bass,	-	-	-	-	" " "
Granville Stuart,	-	-	-	-	" " "
Edward Cardwell,	-	-	-	-	" " "
Charles S. Cox,	-	-	-	-	" " "

Subscribed and sworn to before me this 13th day of January, 1883.

E. J. CONGER,

Associate Justice Supreme Court Montana Territory.

On motion of Mitchell, the journal was read from the first day of the session.

The motion of Morris that the rules governing the 12th legislative assembly of Montana Territory be adopted, was lost on a call of the "ayes" and "nays" by the following vote:

Ayes—Bass, Cardwell, Cox, Mitchell, Morris and Stuart.

Nays—Back, Chessman, Gillette, Thomas, White and Witter.

Upon motion of Mitchell, a committee on credentials, consisting of Mitchell, Witter and Gillette, was appointed.

Upon motion by Mitchell, the thanks of the Council were tendered to the Hon. Justice Conger for his courtesy in administering the above oath.

On motion by Morris, Council adjourned until 2 p. m., this day.

2 o'clock p. m.

Council resumed.

Mr. President *pro tem* in the chair.

Roll called—quorum present.

Upon motion of Cox, Council adjourned until 10 o'clock a. m., January 15th, 1883.

JAMES B. WELLS,
Chief Clerk, *pro tem*.

EIGHTH DAY.

Council Chamber,
Helena, Montana Territory, Jan. 15, 1883.

10 o'clock a. m.

Council met pursuant to adjournment.

Mr. President *pro tem* in the chair.

Roll called—quorum present.

Journal of preceding day read and approved.

Upon motion by Mitchell, Council adjourned until 2 o'clock p. m. this day.

2 o'clock p. m.

Council resumed.

Mr. President *pro tem* in the chair.

Roll called—quorum present.

Upon motion by Mitchell, the journal of preceding day was corrected.

Mr. Mitchell, chairman of the committee on credentials, announced that said committee were ready to report.

Mr. Witter, of said committee, presented a majority report as follows:

Mr. President:

A majority of your committee on credentials beg leave to report that they have examined the certificates of election placed in the hands of the chairman of your committee, and have also examined the abstracts of the votes on file in the Territorial auditor's office and find the following named gentlemen entitled to seats in the thirteenth legislative council, to-wit:

From Missoula county, W. E. Bass; from Jefferson county, Edward Cardwell; from Lewis and Clarke county, Wm. A. Cnessman and Warren C. Gillette; from Custer county, Charles G. Cox; from Deer Lodge county, A. H. Mitchell; from Madison county, Wm. W. Morris; from Meagher county, Granville Stuart; from Gallatin county, Geo. D. Thomas; from Beaverhead county, Benjamin F. White; from Silver Bow county, Aaron C. Witter; from the counties of Choteau and Dawson, H. S. Back.

They have also examined a paper purporting to be a certificate of election, which was given to A. B. Hamilton as a member of the Council from the district composed of the counties of Dawson and Choteau. The paper is dated upon the 30th day of December, 1882, and is signed by John F. Murphy, county clerk. From the official returns and abstracts of votes on file in the office of the Territorial auditor it appears that John W. Tattan was the county clerk of Choteau county at the time when the votes for councilmen for this district was canvassed. The term of said Tattan expired on the third Monday of December, 1882, and his successor in the office of county clerk was John F. Murphy. When the votes were canvassed it does not appear that the abstract of votes from Dawson county was considered. It is evident from section 545 of the general laws of Montana, page 521-2, that the clerk of the senior county and some other county officer, shall constitute what is usually called a canvassing board for the purpose of canvassing the votes of two or more counties where they are united in a council district, and determining who has been elected as councilmen for that district. This board is to declare the result, and the clerk of the senior county shall give a certificate to the person having the highest number of votes. It is evident that the clerk who should give this certificate of election is the clerk who canvassed this vote, and who was necessarily one of the board of canvassers.

The abstract of the votes of the junior county is to be sent to the clerk of the senior county. The clerk of the senior county and probate judge, or any other county officer shall *at once* canvass the votes and the clerk of the senior county shall *at once* issue the certificate of election to the person having the highest number of votes. How could such a certificate be issued at once unless it were issued by the clerk who made the canvass? The certificate does not state that it was issued by the clerk who made the canvass of the votes of the counties of Dawson and Choteau; on the contrary, it is signed by the clerk of Choteau county, who did not canvass said votes. The statute requires that a certain officer should sign this certificate and the paper delivered to A. B. Hamilton is not properly authenticated. The paper presented by A. B. Hamilton recites that he was elected

councilman "as appears by the official returns of said election and the abstract of votes cast now on file in my office." The clerk of Choteau county bases his certificate upon certain records which were in his office upon December 30th, 1882. He does not state what the official canvass of the votes was, and the abstract of the votes of Dawson county for councilman may have been lost or destroyed before that date. The clerk of Choteau county refers to facts which render worthless his certificate. From the abstracts of the votes of the counties of Dawson and Choteau for councilman, which are on file in the office of the Territorial auditor and signed by the county clerk thereof, it appears that the following votes were cast at the general election held November 7th, 1882:

O. H. Churchill,	359 votes.
A. B. Hamilton,	601 "
H. S. Back,	642 "

Under these circumstances a majority of your committee beg leave to report that Mr. A. B. Hamilton has not a proper certificate to entitle him to a seat in this council, but that Henry S. Back having received the highest number of votes for member of the Council from the district of Choteau and Dawson counties, is entitled to a seat in this legislative council.

W. C. GILLETTE;
AARON C. WITTER.

Mr. Mitchell handed to the President *pro tem*, and the clerk was directed to read, the following copy of a certificate of election issued by the county clerk of Choteau county to Mr. A. B. Hamilton as a member of this body from the council district, composed of the counties of Choteau and Dawson:

UNITED STATES OF AMERICA,

TERRITORY OF MONTANA, }
County of Choteau, } ss.

I, John F. Murphy, county clerk in and for said county of Choteau, Territory of Montana, do hereby certify that at a general election held on the 7th day of November, A. D. one thousand eight hundred and eighty-two, A. B. Hamilton was duly elected to the office of Councilman for Choteau and Dawson counties, as appears by the official returns of said election and the abstract of votes cast, now on file in my office.

In witness whereof, I have hereunto set my hand and the seal of said county this 30th of December, one thousand eight hundred and eighty-two.

JOHN F. MURPHY,
County Clerk.

SEAL.

On behalf of the minority of the committee on credentials, Mr. Mitchell now presented the following report:

Mr. President:

Your committee on credentials having met in accordance with its duties, after duly considering the case of H. S. Back and A. B. Hamilton, each claiming to be elected members from the counties of Choteau and Dawson, find that it is unable to agree. In view of the importance of the questions involved it is deemed proper by a minority of your committee to report its reasons for not concurring in the report of the majority. While we regret that there should be any difference of opinion upon a question which seems to us so clear and unmistakeable, we feel impelled from a sense of duty to dissent from a report which in our opinion is a flagrant violation of the law in taking the office from one *prima facie* entitled to hold it and giving it to another, before, at least, the permanent organization of this body, when, if at all, the matter could properly be entertained by it.

By section 545, page 521, etc., Leg. Revised Statutes of this Territory, it will be found that when two or more counties are united together in one council or representative district, that the canvassing board of the respective counties shall canvass the vote for such joint officer. That it is made the duty of the clerk of the board of county commissioners of the county last established to make a certified copy of the abstract of the canvass and immediately transmit it to the clerk of the senior county. That the *clerk* of the board of *county commissioners* of such *senior county*, with some other county officer thereof, shall at once canvass the votes, and such clerk shall at once issue a *certificate of election* to the person having the *highest* number of votes entitled thereto. We find that in pursuance of this section of the statute, that the clerk of the board of county commissioners of *Choteau*, it being the senior county in said district, duly issued to A. B. Hamilton a certificate to the effect that he was duly elected to the office of joint councilman for said counties of Choteau and Dawson, as appears by the official returns of said election and the abstract of votes cast, now on file in his office. This certificate is in due form and properly certified over the hand and official seal of the clerk on the 30th day of December, A. D. 1882.

There was no evidence before your committee that any contest was made, or sought to be made, in respect to A. B. Hamilton's election in pursuance of the statute in such case provided. We find also that as there was no such proceedings taken to contest the election of Mr. Hamilton or invalidate his certificate that by section 551, page 522 qt. seg. Revised Statutes of Montana, that when no such proceedings are taken, within the time prescribed which has long since expired, "the same shall be a bar to all persons making such contest and to all actions or rights of action thereto." No other certificate of the proper officer was presented by any one to your committee. We therefore find at this time Mr. Hamilton is armed with all the legal insignia and evidences of a duly qualified officer and authorized to act as such until removed by some tribunal or body properly organized and empowered to do so.

We also find that the office referred to is one to be filled by and in the manner prescribed by the laws of the Territory under the provisions of its organic act. Being thus qualified in the manner pre-

scribed, and no steps having been taken in accordance with law to contest his election, we are constrained to the opinion that Mr. Hamilton is entitled to his seat in this body, and the only one qualified to participate in its organization. In support of the position that the person so holding the proper certificate of election emanating from the officer authorized by law to issue the same is entitled to exercise the functions of the office until ousted by some tribunal or body authorized to do so; we most respectfully refer to the following authorities and adjudicated cases:

For Exception; see McCreary 224.

See McCreary on Elections, p 188, sec. 204.

See Kerr vs. Tugo 45, Pa. Stat. p 292.

and see McCreary on Elections, sec. 216.

which clearly shows that if neither party has a proper certificate or credentials neither should be permitted to act until after trial on the merits of their case. It is only when the proper certificate is not in existence that resort can be had to other evidence in order to admit a member to participate in its organization. A minority of your committee are also of the opinion that the statute having provided the particular manner in which the right of an officer of this body is to be contested, defining especially the mode of procedure in so doing and expressly declaring that "the failure so to proceed *shall be a bar to any and all persons making such contest*" was intended to be exclusive of all other moves, and thereby avoid the identical complication which this body now encounters, or might hereafter encounter after its permanent organization.

Upon this point we call attention to the following adjudicated cases which fully support this position: Garbard vs. Gallagher, 11th Nevada, R. 385 Et. Seg. In this case the court say, "The contest for members of the legislative assembly can only be made in pursuance of the statute concerning elections," and in support of it cite decisions from many of the courts of last resort of different States of the Union, as will be seen by reference to page 386 of the report mentioned.

But and beyond all conceding that the Council had the power according to established precedent to investigate and pass upon the validity of this certificate, we most respectfully submit that it does not exist until after its organization. Any other course is subversive of the theory that the person holding the proper certificate is *prima facie* entitled to the office and authorized to exercise its functions until lawfully removed. By the admission of one not holding such certificate the whole burden of proof is changed, and Mr. Back, according to the report of a majority of your committee, is permitted to take the seat of Mr. Hamilton who holds the only lawful evidence of election, and thereby casting upon him the burden of establishing more than the law requires of him. Armed as he is with the insignia of office, he is certainly entitled to participate in the organization of this body and to maintain his seat in it until this *prima facie* evidence of his election is overcome by Mr. Back. The burden of proof is upon him and the significant fact that Mr. Hamilton would be compelled to seek redress in this body after its organization, is abundantly

dant reason for not entertaining the real merits of this controversy at the present time. Any other precedent than that which recognizes the "*prima facie*" title to office until it is superceded by the action of some tribunal or body authorized to pass upon the question would be fraught with dangerous and disastrous consequences. It is urged, however, by a majority of your committee that the certificate of Mr. Hamilton was not issued by the proper officer "at once" and for this reason it is invalid. A sufficient answer to this is that Mr. Back has no certificate at all from the proper officer. Besides it is a well settled proposition that provisions of statutes like this are barely directory, and not mandatory. We submit that no precedent or authority can be found that in cases like the present where the public are interested, and an officer is charged with an official duty and does not perform it within the time prescribed, that such act is, on that account, void. He might be compelled at any time by mandamus to perform the act and certify to what appeared to be the facts from the returns on file in his office. That we are correct in this position we refer to the following authorities and adjudicated cases:

See section 548 Revised Statutes Montana Territory, page 142.

McCreary on Elections, sec. 221 and 222 shows that only question that could be raised here and now is the qualification of Mr. Hamilton to hold the office.

16 *Michigan* 56, 10th *Minn.* 369, 15 *Minn.* 221.

It is also urged by a majority of your committee that the certificate mentioned is not from the proper officer. This is certainly untenable. It bears the signature of one purporting to act as clerk and has the proper seal attached to it. He is then *prima facie* the proper officer to make the certificate under the statute, and his seal and signature consequently gives to the certificate its authenticity. Being in the office exercising its functions with his seal attached, he is to be regarded as such until this question can be investigated by some lawful body. The same principles with reference to the *prima facie* authenticity of the certificate are equally applicable to the official character of the officer when evidenced, as in this case, by his official seal.

It is too clear to admit of argument that if this certificate of the clerk is ignored, every thing is adrift, we have no legal evidence of the election of any one, and if resort is to be had to evidence *aliunde*, we have the anomaly of the whole results of this controversy coming up before this body before its organization or qualification to act upon the matter. The evil consequences of such irregularities have been fully developed in the action taken by this body in swearing in members before the report of a committee on credentials is had. If the official character of the clerk is to be assailed when evidenced by his seal, as provided by the statute, it could only be done, if then, after this body was organized and the person bearing the certificate has received the advantage of the *prima facie* case he presents. He shows himself to be the clerk, is presumed to have been *such* at the time of the canvass, if it was necessary that he should have been. If this body was organized so as to properly investigate the legality of Mr. Hamilton's certificate of election it would be found that he is in fact the present clerk, was such when he issued

the certificate, was qualified to do any act his predecessor could do, and might have been compelled to issue this identical certificate from the returns on file in his office his predecessor if some person other than himself could not lawfully act after his term of office had expired. He can do no official act after this unless expressly authorized to do so by some provision of the statute.

Should the majority report of your committee be adopted we are clearly of opinion that such action would be characterized with the injustice of taking from one a seat in this body who has shown himself lawfully entitled to it and conferring it upon one whose claim is unsupported by any legal evidence. A minority of your committee, therefore, recommend that Mr. A. B. Hamilton be declared the duly elected member from the joint district of Choteau and Dawson counties, and as such entitled to act in the organization of this Council and until he is lawfully deposed by some lawfully constituted authority.

Respectfully submitted,

A. H. MITCHELL,

Chairman Com. on Credentials.

Mr. Chessman now moved the adoption of the report of the majority of the committee on credentials.

Upon call of the ayes and nays, the motion was lost by the following vote:

Ayes—Back, Chessman, Gillette, Thomas, White and Witter.

Noes—Bass, Cardwell, Cox, Mitchell, Morris and Stuart.

The motion of Mitchell that the report of the minority of the committee on credentials be adopted, was lost upon call of the ayes and nays, by the following vote:

Ayes—Bass, Cardwell, Cox, Mitchell, Morris and Stuart.

Noes—Back, Chessman, Gillette, Thomas, White and Witter.

Mr. Witter now moved that the committee on credentials be discharged.

Carried.

The motion of Witter that the Council now proceed to the election of permanent officers, was lost upon a division of the house; six voting affirmatively and six negatively.

Upon motion of Mitchell, Council now adjourned until 10 o'clock a. m., January 16th, 1883.

JAMES B. WELLS,

Chief Clerk pro tem.

NINTH DAY.

COUNCIL CHAMBER,
Helena, Montana Ter., January 16, 1883.

10 o'clock a. m.

Council met pursuant to adjournment.

Mr. President *pro tem* in the chair.

Roll called—All members present.

Journal of preceding day read, corrected and approved.

Upon a division of the house, the motion by Witter, that Council now proceed to the election of permanent officers, prevailed, six voting affirmatively and three negatively.

For permanent president, Mr. Granville Stuart was nominated by Mr. Mitchell, and Mr. Benjamin F. White by Mr. Witter.

Upon motion by Witter, Council proceeded to vote by ballot for permanent president, Messrs. Morris and Witter being appointed tellers.

Mr. Granville Stuart	received six votes.
Mr. Benjamin F. White	" five "
Mr. H. S. Back	" one "

Upon motion by Morris, Council adjourned until 11 o'clock a. m. January 17th, 1883.

JAMES B. WELLS,
Chief Clerk *pro tem*.

TENTH DAY.

COUNCIL CHAMBER,
Helena, Montana Territory, Jan. 17, 1883.

11:00 O'CLOCK A. M.

Council met pursuant to adjournment.

Mr. President *pro tem* in the chair.

Roll called—quorum present.

Journal of yesterday read and approved.

Upon motion by Mitchell, Council proceeded to ballot for permanent officers, Morris and Witter acting as tellers.

The several ballots, as cast for permanent president and announced by the chair, from the second to the sixth ballot, inclusive, resulting in no choice, being as follows:

2d ballot,	Back 1; White 5; Stuart 6.
3d "	White 5; Back 1; Stuart 6.
4th "	White 5; Back 1; Stuart 6.
5th "	White 5; Back 1; Stuart 6.
6th "	White 5; Stuart 6; Back 1

Upon motion by Mitchell, Council adjourned until 11 a. m., January 18, 1883.

JAMES B. WELLS,
Chief Clerk *pro tem.*

ELEVENTH DAY.

COUNCIL CHAMBER,
Helena, Montana Ter., Jan. 18, 1883.

11 o'clock a. m.

Council met pursuant to adjournment.

Mr. President *pro tem* in the chair.

Roll called—all present.

Journal of yesterday read and approved.

Upon motion by Chessman, Council proceeded to further balloting for permanent officers, Morris and Witter acting as tellers.

The several ballots as cast for permanent president and announced by the chair, from the 7th to the 21st ballot, inclusive, resulting in no choice, being as follows:

7th ballot,	Back 3; White 3; Stuart 6.
8th "	Back 3; White 3; Stuart 6.
9th "	Back 3; White 3; Stuart 6.
10th "	Back 5; Thomas 1; Stuart 6.
11th "	Back 5; Stuart 6; White 1.
12th "	Back 6; Stuart 6.
13th "	Back 5; Stuart 6; White 1.
14th "	Back 5; Stuart 6; Chessman 1.
15th "	Back 5; Stuart 6; White 1.
16th "	Back 5; Stuart 6; White 1.
17th "	Back 5; Stuart 6; Witter 1.
18th "	Back 4; Stuart 6; White 1; Gillette 1.
19th "	Back 5; Stuart 6; White 1.
20th "	Back 6; Stuart 6.
21st "	Back 6; Stuart 6.

Upon motion by Mitchell, the same being carried unanimously, on call of ayes and nays, a vote of thanks was tendered to Mr. Geo. E. Boos, of the Pioneer Book Bindery, for his courtesy in furnishing members of the Council with certain letter heads, and he was admitted to the privileges of the floor.

On motion of Witter, the Council adjourned until 11 o'clock a. m., January 19th, 1883.

JAMES B. WELLS,
Chief Clerk pro tem.

TWELFTH DAY.

Council Chamber,
Helena, Montana Territory, Jan. 15, 1883.

11 o'clock a. m.

Council convened pursuant to adjournment.

Mr. President *pro tem* in the chair.

Roll called—all members present.

Journal of yesterday read and approved.

Upon motion by Mitchell, Council resumed balloting for permanent officers, Morris and Witter acting as tellers.

The several ballots as cast for permanent president, and announced by the president *pro tem*, from the 22d to the 48th, inclusive, resulting in no choice, being as follows:

22d	ballot,	White 3; Back 3; Stuart 6.
23d	"	Back 3; White 3; Stuart 6.
24th	"	Back 4; Stuart 6; White 2.
25th	"	White 2; Back 3; Stuart 6; Gillette 1.
26th	"	White 1; Back 5; Stuart 6;
27th	"	White 3; Stuart 6; Back 3;
28th	"	Stuart 6; Back 2; White 3; Thomas 1.
29th	"	White 1; Back 2; Stuart 6; Thomas 3.
30th	"	White 1; Back 2; Stuart 6; Thomas 3.
31st	"	White 1; Thomas 3; Back 2; Stuart 6.
32d	"	White 2; Back 3; Stuart 6; Thomas 1.
33d	"	White 2; Stuart 6; Thomas 1; Back 2; Witter 1.
34th	"	White 2; Back 3; Stuart 6; Witter 1.
35th	"	White 2; Stuart 6; Back 3; Chessman 1.
36th	"	White 3; Back 2; Stuart 6; Thomas 1.
37th	"	Back 4; White 2; Stuart 6.
38th	"	White 2; Back 4; Stuart 6.
39th	"	White 2; Back 4; Stuart 6.
40th	"	Back 4; White 2; Stuart 6.
41st	"	White 2; Back 3; Stuart 6; Thomas 1.

42d " Back 3; White 2; Stuart 6; Thomas 1.
 43d " Back 3; Stuart 6; Thomas 2; White 1.
 44th " Stuart 6; Back 4; White 2.
 45th " White 2; Stuart 6; Back 4.
 46th " White 1; Back 5; Stuart 6.
 47th " Back 6; Stuart 6.
 48th " Back 6; Stuart 6.

Upon motion by Back, Council adjourned until 11 o'clock a. m.,
 January 20th, 1883.

JAMES B. WELLS,
Chief Clerk pro tem.

THIRTEENTH DAY.

Council Chamber,
 Helena, Montana Territory, Jan. 20, 1883.

11 o'clock a. m.

Council met pursuant to adjournment.

Mr. President *pro tem* in the chair.

Roll called—all members present.

Journal of yesterday read and approved.

Upon motion by Mitchell, Council resumed balloting for permanent officers, Morris and Witter acting as tellers.

The several ballots, as cast for permanent president and announced by the chair, from the 49th to the 67th ballot, inclusive, resulting in no choice, being as follows:

49th ballot, White 3; Back 3; Stuart 6.
 50th " White 2; Back 4; Stuart 6.
 51st " White 3; Back 3; Stuart 6.
 52d " White 4; Back 2; Stuart 6.
 53d " White 4; Back 2; Stuart 6.
 54th " White 1; Back 4; Stuart 6; Witter 1.
 55th " White 2; Back 2; Stuart 6; Witter 2.
 56th " White 1; Back 4; Stuart 6; Witter 1.
 57th " White 2; Back 4; Stuart 6.
 58th " White 1; Back 5; Stuart 6.
 59th " White 1; Back 4; Stuart 6; Thomas 1.
 60th " White 1; Back 4; Stuart 6; Thomas 1.
 61st " White 1; Back 4; Stuart 6; Thomas 1.
 62d " White 2; Back 2; Stuart 6; Thomas 2.
 63d " White 2; Back 3; Stuart 6; Thomas 1.
 64th " White 3; Back 3; Stuart 6.
 65th " White 4; Back 1; Stuart 6; Morris 1.
 66th " White 3; Back 3; Stuart 6.
 67th " White 2; Back 2; Stuart 6; Thomas 2.

Upon motion by Thomas, Council adjourned until 11 o'clock a. m., January 22d, 1883.

JAMES B. WELLS,
Chief Clerk pro tem.

FIFTEENTH DAY.

COUNCIL CHAMBER,
Helena, Montana Ter., Jan. 22, 1883.

11 o'clock a. m.

Council met pursuant to adjournment.

Mr. President *pro tem* in the chair.

Roll called—all members present.

Journal of yesterday read, corrected and approved.

Upon motion by Chessman, Council proceeded to the election of permanent officers, Morris and Witter acting as tellers.

The 68th, 69th and 70th ballots, as cast for permanent president and announced by the chair, resulting in no choice, being as follows:

68th ballot, White 5; Stuart 6; Back 1.

69th " White 5; Stuart 6; Back 1.

70th " White 5; Stuart 6; Back 1.

Upon motion by Morris, recess was taken until 3 o'clock p. m., this day.

3 o'clock, P. M.

Council resumed.

Mr. President *pro tem* in the chair.

Roll called—all members present.

Upon motion by Mitchell, Council proceeded to further balloting for permanent officers, Morris and Witter being tellers.

The several ballots, as cast for permanent president and announced by the chair, from the 71st to the 76th, inclusive, resulting in no choice, being as follows:

71st ballot, White 5; Back 1; Stuart 6.

72d " White 4; Back 2; Stuart 6.

73d " White 4; Back 2; Stuart 6.

74th " White 3; Back 3; Stuart 6.

75th " White 2; Back 4; Stuart 6.

76th " White 2; Back 4; Stuart 6.

Upon motion by Witter, Council adjourned until 11 o'clock a. m., January 23d, 1883.

JAMES B. WELLS,
Chief Clerk pro tem.

SIXTEENTH DAY.

COUNCIL CHAMBER,
Helena, Montana Territory, Jan. 23, 1883.

11:00 O'CLOCK A. M.

Council met pursuant to adjournment.

Mr. President *pro tem* in the chair.

Roll called—all members present.

Journal of yesterday read and approved.

Upon motion by Mitchell, Council proceeded to further balloting for permanent officers, Morris and Witter being tellers.

The 77th, 78th, 79th and 80th ballots, as cast for permanent president and announced by the chair, resulting in no choice, being as follows:

77th ballot,	White 2; Back 4; Stuart 6.
78th "	White 3; Back 3; Stuart 6.
79th "	White 3; Back 3; Stuart 6.
80th "	White 3; Back 3; Stuart 6.

Upon motion by Thomas, recess was taken until 11:30 a. m., this day.

11:30 a. m.

Council resumed.

Upon motion of Mitchell, Council adjourned until 3 o'clock p. m., this day.

3 o'clock p. m.

Council met after above adjournment, Mr. President *pro tem* in the chair.

The following resolution was presented by Thomas, and upon motion by Mitchell, read:

Resolved, 1st. That a committee of conference, consisting of four members of this Council, be selected by ballot and that two of whom shall be selected from each side, now represented in the division of this body, and that a majority of said committee are hereby delegated with full power to report by naming the president, subordinate officers, and upon all matters of difference, at length and in full detail; that we hereby agree to stand to and abide by the report of said committee when made.

2d. That the issues which forced the division of this body having

been accomplished, that there is nothing before it to antagonize its members, and we regard this an opportune time to cultivate peace and harmony within our own circle.

3d. That, though we have differed in opinion upon some questions, yet we feel that each for himself was governed by his convictions of right and justice, and we agree to lay down all feeling of animosity and antagonism and substitute therefor peace and good will among the members of this body, if not toward all mankind.

Upon motion by Mitchell, the same was adopted as the sense of this body.

Upon motion, Messrs. Bass, Morris, Thomas and Chessman were appointed a committee upon permanent organization, in conformity with and to advance the object of said resolution.

Upon motion by Mitchell, Council adjourned until 11 o'clock a. m., January 24th, 1883.

JAMES B. WELLS,
Chief Clerk *pro tem*.

SEVENTEENTH DAY.

COUNCIL CHAMBER,
Helena, Montana Ter., January 24, 1883.

11 o'clock a. m.

Council met pursuant to adjournment.

Mr. President *pro tem* in the chair.

Roll called—All members present.

Journal of yesterday read and approved.

Mr. Thomas reported as follows :

Your special committee upon permanent organization beg leave to submit the following report :

<i>For President,</i>	-	-	GRANVILLE STUART.
<i>Chief Clerk,</i>	-	-	JAMES B. WELLS,
<i>Enrolling Clerk,</i>	-	-	W. I. LIPPINCOTT.
<i>Sergeant-at-Arms,</i>	-	-	SAMUEL ALEXANDER.
<i>Watchman,</i>	-	-	WILLIAM WOODCOCK.
<i>Messenger,</i>	-	-	DANNIE SWEENEY.

GEORGE D. THOMAS,
W. W. MORRIS,
WM. A. CHESSMAN,
W. E. BASS.

Mr. Mitchell moved that the report be adopted and that the per-

sons therein named be declared the permanent officers of the Council of the Thirteenth Legislative Assembly of the Territory of Montana, and the motion was agreed to unanimously.

Messrs. Mitchell and Gillette being appointed a committee to conduct Mr. Stuart to the, that gentleman thereupon assumed the duties of President.

Upon motion by Mitchell, Council adjourned until 11 o'clock a. m., January 25th, 1883.

JAMES B. WELLS,
Chief Clerk.

EIGHTEENTH DAY.

COUNCIL CHAMBER,
Helena, Montana Ter., Jan. 25th, 1883.

11 o'clock a. m.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called—all present.

Journal of yesterday read and approved.

Mr. Mitchell offered the following:

Resolved, That a committee of three be appointed by the president of the Council to inform the House that the Council is organized by the election of permanent officers, consisting of

President—Granville Stuart.

Chief Clerk—James B. Wells.

Engrossing and Enrolling Clerk—W. I. Lippincott.

Sergeant-at-Arms and Doorkeeper—Samuel Alexander.

Watchman—William Woodcock.

Messenger—Dennis Sweeney,

and that it is ready to proceed to business.

MITCHELL.

Upon motion by Witter said resolution was adopted and the chair appointed Messrs. Mitchell, Witter and Cardwell a committee, in conformity thereto.

Mr. White presented the following:

Resolved, The House of Representatives concurring, that a committee of five, consisting of two members of the Council and three members of the House, be appointed by the chair to wait upon the governor and inform him that the two houses have organized permanently, and are ready to receive any communication he may have to make.

WHITE.

Upon motion by Thomas, the same was adopted and Messrs. White and Bass were appointed such committee.

Mr. Mitchell, chairman of the committee to inform the House that the Council was permanently organized, reported that duty performed, and, upon motion, said committee was discharged.

Upon motion by Mitchell, the rules governing the 12th legislative assembly of Montana were adopted as the temporary rules of this body.

Upon motion by White, a committee of three was appointed to prepare rules to govern the permanent organization of the Council.

Messrs. White, Mitchell and Morris were appointed said committee.

Upon motion of Witter, a committee of three on mileage was appointed, consisting of Witter, Chessman and Cox.

The following communication and message from Governor B. F. Potts was received:

SIXTH BIENNIAL MESSAGE OF B. F. POTTS, GOVERNOR OF MONTANA.

Fellow Citizens of the Council and House of Representatives :

The Thirteenth Legislative Assembly of Montana Territory assembles under more favorable auspices than any of its predecessors. The Territory, for the first time in its history, is free from indebtedness, and with a surplus of \$14,005.90 in its treasury. The tax duplicate of the Territory has reached the sum of \$33,211,319.12, and the revenue for Territorial purposes for 1882 was \$90,863.47. The assessments of property for taxation in 1882 was \$9,475,082.82 greater than that of 1881, and an increase of \$14,601,517.12 since the adjournment of the last legislative assembly.

From the financial condition of the Territory your attention is called to that of the several counties, whose aggregate indebtedness on the 1st of March last reached the startling sum of \$658,974.32, and five counties of the eleven increased their indebtedness during the year ending March 1st, 1882. I here repeat the language addressed to the Twelfth Legislative Assembly upon this subject:

"This exhibit is by no means a gratifying one, and is far from sustaining our boasted ability for local self-government. If our local indebtedness increases in the same ratio as heretofore, the Territory will not favorably impress Congress when she applies for admission into the Union as a State. This unfortunate condition of affairs cannot be attributed to our present form of Territorial government, or the system of appointments which has grown up under it, about which so much complaint is made, but must be chargeable to the people of the several counties in the capacity of citizens. I think much of the evil in county management results from the action of county commissioners in assuming legislative functions in paying pretended claims against the counties without authority of law. The Territorial Auditor cannot draw a warrant for the payment of a claim

against the Territory without express authority of law. Now, why not apply this provision of law to county commissioners and stop a leak which has done much to create the present indebtedness? I do not think county commissioners should be allowed so much discretion, for bad men will take advantage of it to serve their own purposes and that of their partizans. If a discretion is allowed, a maximum limit to such discretion should be fixed by law.

The fees and salaries of district and county officers are far in excess of a reasonable compensation for the official services performed, and their reduction should receive your immediate attention. An examination of county records will show that county officers generally receive salaries far in excess of any other officers in the Territory. For example, the county clerks in some of the counties receive more compensation than the judges of the supreme court, and in many of the counties the annual compensation of the county treasurers is one thousand dollars larger than the salary of the Territorial Treasurer. The remedy is in your hands, and I submit to you whether the substance of the people shall continue to be consumed in the payment of high salaries. A large local indebtedness and a high rate of taxation will deter immigration and seriously affect every industry of the Territory. The owners of live stock in many instances have changed their stock from counties where a high rate of taxation exists to those where taxation is less, and this change will go on until some of the counties will have but little live stock on their tax duplicate. The counties having the smallest debt and the lowest rate of taxation will, and should be, the most prosperous. I have always favored a statute limiting the power of the several counties to contract a debt beyond a certain amount, and I trust that you will concur with me if any new county is organized at the present session.

In my opinion every public officer should receive a fixed salary, and the whole system of compensation by fees should be abolished. The value of the services of clerks and sheriffs can be as easily estimated as can those of the Territorial Auditor and Treasurer, and when parties litigant are to be taxed with costs, let it be taxed in favor of the county, and collected from such party as the court may direct, and, under suitable regulations, paid into the county treasury. The fees of clerks and sheriffs heretofore charged against litigants, can, by a proper classification, be commuted to a fixed sum, and be paid into the county treasury on the certificate of the clerk. I believe this system to be both practicable and judicious with respect to all officers who have heretofore been compensated in whole or in part by fees."

The people naturally turn to the law making power for a removal of the burdens of taxation. The increase of revenue should reduce the burden, but under the present local management the expenditures are made to increase in the same ratio as the revenue. No people can prosper and pay the rate of taxation which is imposed upon property in many localities in the Territory. Three per cent. per annum taxation will repel the careful and frugal immigrant, and deter foreign capital from seeking investment in the Territory. It is claimed that salaries have been reduced. I ask that they be further

reduced in order that the Commissioners of Lewis and Clarke county may be prevented from paying the sum of three thousand six hundred and sixty-four dollars and forty cents to the assessor for not exceeding four months' work in 1883. This sum was paid the assessor of that county the past year. If this is a fair specimen of county management, any school boy can readily determine who consumes the hard earned taxes of the people. As a rule the local authorities do not exercise the discretion conferred upon them by law to reduce expenses, but allow the maximum. The sheriff of Lewis and Clarke county is allowed the maximum, one dollar and twenty-five cents per day, for boarding prisoners, the county paying wages of the cook and furnishing lights and fuel for the jail. This allowance is in excess of charges at our best hotels and boarding houses, and the criminals could be as safely lodged therein as they have been in the county jail during the past year.

I respectfully recommend that the legislative assembly revise the list of taxable property and place upon that list all property except public. This I believe to be the true principle of taxation, and I hope you will concur with me by placing all private property, now exempt, upon the tax list.

I earnestly invite your attention to the question of taxation of railroad property. The property of railroad corporations should be made to share the burden of taxation the same as that of the individual citizen, and I submit to you the question whether any additional legislation is necessary in the premises.

The law fixing the assessment of mining ground at the price paid the Government for the same should be repealed. No law should be passed fixing the valuation of property for taxation. Mining ground may have a surface value for agricultural, building, or other purposes, and if so, should be taxed as other property.

The number of insane receiving treatment at the expense of the Territory is at this time 56. The contract has been continued at the rate of eight dollars per week per capita, and their treatment has been humane and satisfactory. I renew a former recommendation that the Governor be authorized to appoint a reputable physician each quarter to make an examination of the asylum and report fully the character of the medical and personal treatment of the inmates, and make such recommendations as he may deem wise and proper, and that he be paid out of the Territorial treasury for such services, upon the certificate of the Governor.

Sixty-seven convicts are at present confined in the United States penitentiary at Deer Lodge at the expense of the Territory. The contract price for keeping them is seventy-five cents per day each. The present contract expires on the first day of August, next.

On the 18th day of July, 1882, I entered into a contract with Davidson and Baldwin for the labor of ten convicts for the period of two years, at fifty cents per day for each convict. The amount received for convict labor for the past fiscal year was \$601.29.

The report of pardons granted since the adjournment of the last Assembly is submitted for your information. I also transmit the reports showing the condition of the two divisions of the Territorial Library and the report of the Historical Society. I ask for these

reports your careful consideration, and I recommend that \$200 additional be appropriated annually for the use of the Miscellaneous Division of the Library to pay for subscriptions and binding of newspapers and the purchase of additional books. I commend this division to your favorable consideration.

I herewith transmit reports of the auditor and treasurer for years ending December 31, 1881, and December 31, 1882. These reports contain a complete statement of the financial condition of the Territory, together with the receipts and expenditures since December 31, 1880. Hon. J. P. Woolman, Territorial Auditor, and Hon. D. H. Weston, Territorial Treasurer, have so honestly and efficiently performed the duties of their respective offices as to entitle them to my sincere thanks, and I commend them as worthy of the continued confidence of the people.

The statistical returns of county assessors are so manifestly incorrect that the statistical report is valueless. I recommend such additional legislation as will compel the assessors to collect the statistics required by law. I regard this as one of the most important duties of an assessor, and he should not be permitted to disregard it.

Your attention is called to the failure of county officers to make the reports required of them by law. Territorial officers are embarrassed and delayed in the preparation of their reports by reason of these failures, and you should provide a penalty for officers who fail or refuse to make reports at the time required by law.

The report of the Superintendent of Public Instruction will be submitted to the Legislative Assembly by that officer. Professor Howey has made a most competent officer, performing every duty with zeal and efficiency, and merits the thanks of the people. The report will show the number of absentees of school age to be very large. The public provides for schools for all, and they should be required to avail themselves of their benefits. I recommend the enactment of a law requiring the attendance of all children of school age. I am aware that such a law would be considered arbitrary, but it is not more so than to require citizens who have no children to pay a school tax. The school fund is created to educate all classes at the public expense, and the taxpayer has a right to demand that every child should attend school.

Your attention is called to the fact that it will require an act of the Legislative Assembly to transfer the amount from the warrant fund to the sinking fund necessary to redeem the outstanding bonds of the Territory. The subject should receive your immediate attention.

The large and increasing business of Fire Insurance in this Territory requires such additional legislation as will fully protect the people from irresponsible companies. No company should be permitted to do business in the Territory until it can show a high standard of solvency.

I earnestly recommend the enactment of a law enforcing the observance of the first day of the week as a day of rest.

I trust the session will be a pleasant one to each of you, and that your labors will receive the approval of your constituents.

B. F. POTTS.

Executive Office, Helena, Jan 8, 1883.

The above communication having been read by the clerk, the same, was, together with the Report of the Territorial Library, the Report of the Historical Society, the Auditor's and Treasurer's Reports for the years 1881 and 1882, upon motion of Witter referred to the Committee on printing.

The following communication was received :

TERRITORY OF MONTANA,
Executive Department,
HELENA, January 15, 1883.

Gentlemen of the Council and House of Representatives :

I beg to inform you, that having been appointed by the President of the United States, Governor of the Territory of Montana I have this day assumed the duties of my office, having subscribed to the oath before Chief Justice Wade, this fifteenth day of January 1883.

General H. B. Sargent is hereby appointed Private Secretary to the executive :

I have the honor to be very respectfully, your obedient servant.
Jno. SCHUYLER CROSBY, Governor.

The same having been read was upon motion placed on file.

The following communication was received from the House :

* HOUSE OF REPRESENTATIVES

HELENA, MONTANA January 25th, 1883.

Mr. President :

I am instructed by the House to inform your honorable body That—

H. J. R. No. 3 Has passed the House and is herewith transmitted.

The House has concurred in Council resolution for the appointment of a joint committee to, wait upon the Governor and in conformity therewith has appointed Messrs. Blake, O'Grady and Malony on the part of the House.

That the House adopted the following resolution "Resolved by the House the Council concurring that a committee of six consisting of three members of the House and three members of the Council, be appointed on joint rules for the Government of the two Houses of the Legislative Assembly at the present session."

That in conformity to the resolution the chair appointed Messrs. Kickman, Conely and Forbis, as such committee on the part of the House.

DAVID MARKS,
Chief Clerk.

On motion of Mitchel the Council concurred in the above concurrent resolution, on joint rules, and Messrs. Cardwell, Chessman and Cox were appointed on the part of the Council.

H. J. R. No. 3, for the employment of committee clerks, was read 1st and 2d times, rules suspended, read 3d time and passed by the following vote:

A YE—Bass, Cardwell, Chessman, Cox, Gillette, Mitchell, Morris, Thomas, White, Witter and Mr. President—11.

NO—Back—1.

Mr. White, chairman of committee to wait upon the governor, reported on behalf of such committee as follows:

Mr. President:

Your committee appointed to wait upon Gov. Crosby and notify him, that this body had duly organized and were ready to receive any communications he may here to offer, beg leave to report that duty performed. Gov. Crosby states, that he will be pleased to communicate with us at such time as we may be pleased to select.

We would therefore recommend,

The House concurring, that the Council and House meet in joint session, in the hall of the House of Representatives at fifteen minutes past 2 o'clock this day, for the purpose of receiving such communications as his excellency Gov. Crosby may have to offer.

WHITE.

Chairman.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,

HELENA MONTANA, January 25th, 1883.

Mr. President:

I am instructed by the House to inform your honorable body, that the House invites your body to meet with them in joint session in their chamber at 2.15: o'clock to day, there to meet the governor of the Territory.

DAVID MARKS,
Chief Clerk.

Upon motion of Mitchell Council accepted the invitation, and the clerk was instructed to inform the House that Council would meet with them in joint session at, 2.15: o'clock P. M. this day.

Upon motion of Witter Council took a recess until 2 o'clock P. M. this day.

2 O'CLOCK P. M.

Council resumed—Mr. President in the chair.

Roll called, Cox and Mitchell absent.

Upon motion by Mitchell, the Council now proceeded to the chamber of the House for joint session, to there meet the governor of the Territory.

2.30: o'clock P. M.

Council again resumed—Mr. President in the chair.

Communication received from the governor and filed for action.

The following resolution was offered by Mitchell, and upon motion adopted.

Resolved, That the chief clerk be directed to request, in the name of the Council, the several clergymen of Helena to open the Council each morning with prayer, in such order and upon such days, as they may elect.

A. H. MITCHELL.

The committee on rules reported as follows:

Mr. President:

Your committee on rules for the government of the Council, beg leave to report the following rules and recommend the adoption of same:

COUNCIL RULES.

I.—PRESIDENT.

The President shall take the chair at the time to which the Council stands adjourned, and the Council shall then be called to order, roll called, and the names of absentees shall be entered upon the journal of the Council. In case that the President is absent, or fails from any cause to take the chair, the Council shall appoint a President *pro tem*.

II.—QUORUM.

Upon the appearance of a quorum, which shall consist of a majority of the whole number of members, the journal of the preceding day shall be read by the Clerk, and any mistake therein may be corrected by the Council.

III.—ORDER.

The President shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council.

IV.—PRESIDENT SHALL VOTE.

The President shall vote on all questions taken by yeas and nays, and in all elections and divisions called for by any member.

V.—MEMBERS SHALL REMAIN SEATED.

When the Council adjourns the members shall keep their seats until the President announces the adjournment.

VI.—PROPER DECORUM.

Every member, previous to speaking, shall rise from his seat and respectfully address himself to the President.

VII.—TWO OR MORE.

When two or more members rise at once, the President shall designate the member who is first to speak; but in all cases the member who shall first rise and address the chair shall speak first.

VIII.—NOT TO SPEAK MORE THAN TWICE.

No member shall speak more than twice on the same subject, without leave of the Council, nor more than once until every member choosing to speak on the question pending shall have spoken.

IX.—MOTIONS TO BE SECONDED.

No motion shall be debated or put unless the same shall be seconded. It shall be stated by the President, and such motion shall be reduced to writing if the President, or any member, shall desire it.

X.—MOTIONS IN POSSESSION OF THE COUNCIL.

After any motion shall be stated by the President, it shall be in possession of the Council, but may be withdrawn at any time before amendments shall be entered upon the journal, whether they are rejected or adopted.

XI.—DEBATE.

When a question is under debate no motion shall be received, except: 1st. To adjourn. 2d. To lay on the table. 3d. For the previous question. 4th. To postpone to a day certain. 5th. To commit to a standing committee. 6th. To commit to a select committee. 7th. To amend. 8th. To postpone indefinitely. And these several motions shall have precedence in the order in which they stand arranged.

XII.—ADJOURNMENT.

A motion to adjourn shall always be in order, except when a member is addressing the chair, or a vote is being taken; that and the motion to lay on the table shall be received without debate.

XIII.—PREVIOUS QUESTION.

The previous question shall be in this form: Shall the main question be now put? It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the Council to a direct vote upon the

amendments reported by a committee, if any, then upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the vote being taken thereon, one call of the Council shall be in order; but after a majority shall have voted in favor of such motion, no call shall be in order prior to a decision of the main question.

XIV.—SAME.

When, on taking the previous question, the Council shall decide that the main question shall not now be put, the main question shall remain as the question before the Council, in the same stage of proceedings as before the previous question was made.

XV.—INCIDENTAL QUESTIONS.

All incidental questions of order, arising after a motion is made for the previous question, during the pending of such motion, or after the Council shall have determined that the main question shall now be put, shall be decided, whether on appeal or otherwise, without debate.

XVI.—PETITIONS.

Petitions, memorials, and other papers addressed to the Council, shall be presented by the President, or by a member in his place.

XVII.—VOTING.

Every member who shall be present before the vote is declared from the chair, and no other, shall vote for or against the same, unless the Council shall excuse him; or unless he is immediately interested in the question, in which case he shall not vote.

XVIII.—WHEN THE QUESTION IS BEING PUT.

When the President is putting the question, no member shall walk out of or across the hall, nor when a member is speaking shall any person entertain any private discourses, or pass between him and the chair.

XIX.—SEVERAL POINTS.

If the question in debate contains several points, any member may have the same divided.

XX.—MEMBERS CALLED TO ORDER.

A member called to order shall immediately sit down, unless he desires to explain, after which he shall take his seat until the point of order be decided by the chair, which shall be final, unless the member desires to appeal, in which case he shall have the right to arise and ask the chair to put his motion to the Council, whose duty it shall be to immediately comply; and the question shall be: "Shall the decision of the Chair be sustained?"

XXI.—INTRODUCTION OF BILLS.

Every bill shall be introduced by a motion for leave, or by an order of the Council, or on a report of a committee, and one day's notice at least shall be given of a motion for leave to bring in a bill, unless two-thirds of the members present shall vote in favor of its being brought in without such previous notice. Every notice for leave to bring in a bill (and every notice to bring in a bill) shall be in writing, and shall contain the title of the bill.

XXII.—BILLS INDORSED.

Every bill, before being introduced, shall have endorsed thereon the title of the same, and every bill and resolution shall have thereon the name of the member introducing it; and, when ordered by a committee, the name of such committee shall be endorsed thereon.

XXIII.—BILLS TO BE READ.

All bills, memorials or joint resolutions shall be read at length the first time for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the motion to reject be lost, the bill shall go to its second reading without a question.

XXIV.—SECOND READING.

All bills, memorials or joint resolutions, on their second reading, shall be read by their title, and the question taken up on their commitment, amendment or engrossment for third reading.

XXV.—THIRD READING.

All bills, memorials or joint resolutions, on their third reading, shall be read at length, and no amendment shall be in order except by unanimous consent of the Council.

XXVI.—SECOND AND THIRD READING.

All bills shall be read three times before their final passage, and may be read twice on the day of presentation, unless otherwise ordered; and no bill shall be passed unless it shall have been read once at length.

XXVII.—NO AMENDMENT.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; no bill or resolution shall at any time be amended by annexing thereto or incorporating therewith any other bill or resolution pending before the Council.

XXVIII.—COMMITTEE OF THE WHOLE.

In forming a committee of the whole Council, the President shall appoint a chairman to preside.

XXIX.

Bills committed to the committee of the whole Council shall, in the committee of the whole thereon, be first read through, unless the

committee shall otherwise order, and then read and debated by sections, leaving the title to be last considered. All amendments shall be made in writing, and reported to the committee by the chairman.

XXX.—QUESTIONS IN THE COMMITTEE OF THE WHOLE.

All questions, whether in committee or in Council shall be put in the order in which they are moved, except in cases of privileged question, and in filling blanks the largest sum and longest time shall be first put.

XXXI.—SAME MODE.

A similar mode of proceeding shall be observed with bill which have originated in the passed by the House as with bills originating in the Council, except they shall not be printed.

XXXII.—RECONSIDERATION.

No motion for reconsideration shall be in order unless on the same day or the day following that on which the decision proposed to be reconsidered took place, nor unless one of the majority shall move such reconsideration.

XXXIII.—MOTION TO RECONSIDER.

When notice of the intention to move the reconsideration of any bill or joint resolution shall be given by a member, the Clerk of the Council shall retain the said bill or joint resolution until after the time during which the said motion can be made, unless the same can previously be disposed of.

XXXIV.—WHO SHALL MOVE FOR A RECONSIDERATION.

Any member that votes on that side of a question which prevailed may be at liberty to move a reconsideration, and a motion for a reconsideration shall be decided by a majority of votes.

XXXV.—WHEN LOST.

In all cases when the Council shall be equally divided the question shall be lost, except in case of appeal from the chair.

XXXVI.—COUNCIL RULES OBSERVED IN COMMITTEE OF THE WHOLE.

The rules of the Council shall be observed in committee of the whole Council so far as may be applicable, except that yeas and nays shall not be called, the previous question enforced, nor the time of speaking limited.

XXXVII.—COMMITTEE RISE.

A motion that the committee, rise shall always be in order, and shall be decided without debate.

XXXVIII.—STANDING COMMITTEE.

Standing committee, consisting of three members each, shall be appointed on the following subjects:

1. Ways and Means.
2. Judiciary.
3. Internal Improvements.

4. Public Lands.
5. Federal Relations.
6. Education and Labor.
7. Towns and Counties.
8. Military Affairs.
9. Incorporation.
10. Agriculture and Manufacture.
11. Elections.
12. Indian Affairs.
13. Mines and Minerals.
14. Immigration.
15. Roads and Highways.
16. Engrossment.
17. Joint Committee of Enrollment.
18. Printing.
19. Grazing and Stock Growing.

XXXIX.—ENGROSSMENT.

The committee on Engrossment shall examine all bills after they are engrossed, and report the same to the Council (correctly engrossed) before the third reading. Said committee may report at any time.

XL.—ENROLLMENT.

The committee on Enrollment shall examine all Council bills and joint resolutions which have passed the two Houses, and, when reported correctly enrolled, they shall be presented to the presiding officers of the Council and House for their signatures, and when so signed, to go to the Governor for his approval. Said committee may report at any time.

XLI.—SELECT COMMITTEE.

Select committee to whom reference shall be made, shall, in all cases, report a state of facts and their opinion thereon to the Council.

XLII.—

In all cases where a bill, order, resolution or motion shall be entered on the journal of the Council, the name of the member moving the same shall be entered on the journal.

XLIII.—PERSONS ADMITTED WITHIN THE BAR.

No person shall be admitted within the bar of the Council but the Executive, Secretary of the Territory, members of the House, ex-members of the Council, Territorial Treasurer and Auditor, Judges of the Supreme and District Courts, and such other persons as the Council may deem proper to admit.

XLIV.—CLERK TO MAKE A LIST OF ALL BILLS.

The President of the Council shall cause the Clerk of the Council to make a list of all bills, resolutions, reports of committees

and other proceedings of the Council, which are committed to a committee of the whole Council, and which are not made the order of the day for any particular day, and number the same, which list shall be called "The General Order of the Day," and they shall be taken up in the order in which they are numbered, unless otherwise ordered by two-thirds of the Council; and the Clerk shall also keep a book showing the situation and progress of bills.

XLV.—PRESIDENT TO ANNOUNCE THE ORDER OF THE DAY.

On the meeting of the Council, after reading of the journal of the preceeding day, the Order of Business for the day shall be as follows:

1. Presentations of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Notices.
5. Introduction of Bills.
6. Motions and Resolutions.
7. Considerations of Messages from the House.
8. Reading of House Bills, Resolutions and Memorials.
9. Third Reading of the Same.
10. Third Reading of the Council Bills.
11. Consideration of the General Orders.
12. Unfinished Business.

XLVI.—SEVERAL MOTIONS.

Whenever the report of any committee of conference contains several modifications or amendments, any member may have the same divided and the question of concurrence taken separately upon each modification or amendment.

XLVII.—GENERAL ORDERS.

When the Council has arrived at the General Order of the Day, they shall go into Committee of the Whole upon such orders, or particular order designated by a vote of the Council, and no other business shall be in order until the whole are considered or passed, or the Committee rise. And unless a particular bill is ordered up, the Committee of the Whole shall consider, act upon or pass upon the General Orders according to the order of their reference.

XLVIII.—PRESIDENT TO LEAVE THE CHAIR.

The President may leave the chair and appoint a member to preside, but not for a longer time than one day, except by leave of the Council.

XLIX.—PARLIAMENTARY PRACTICE.

The rules of parliamentary practice embraced in Jefferson's Manual shall govern the Council in all cases when they are applicable and in which they are not inconsistent with the standing rules

and orders of the Council and the joint rules and orders of the Council and House.

L.—SUSPEND, ALTER OR AMEND.

No rule of the Council shall be suspended, altered or amended without the concurrence of two-thirds of the members present.

LI.—TIME OF MEETING.

The hours of the daily meeting of the Council shall be at ten o'clock in the morning until the Council directs otherwise.

LII.—YEAS AND NAYS.

The yeas and nays shall not be ordered unless demanded by two members, except on the final passage of bills, joint resolutions, and resolutions making appropriations of money, in which case the yeas and nays shall be had without demand.

LIII.—PRINTED.

All Council bills of a general nature shall, after their second reading, be printed without special order from the Council.

LIV.—MEMORIALS TO CONGRESS.

All orders, joint resolutions and memorials to Congress, after they shall have passed both Houses, shall be carefully enrolled, signed by the Speaker of the House and President of the Council, and forthwith transmitted by the chief clerk of the respective House in which they originated, to the President of the Senate, the Speaker of the House of Representatives, in Congress, and also to our Delegate in Congress.

LV.

When a Committee shall mention a bill in its report the number and title of such a bill shall be given.

WHITE,
Chairman.

The clerk having begun the reading of the above Council rules, further reading was, upon motion of Morris discontinued, and upon motion by Morris the report was adopted and said committee discharged, and the clerk was instructed to acquaint the secretary of the Territory of their adoption, to furnish him a copy of the same, and request, that he supply the Council with a sufficient number of printed copies.

The following resolution was introduced by Mitchell:

Resolved:

That the reporters of the press of Montana be assigned seats on the floor of the Council Chamber, for the purpose of reporting its proceedings.

The same was upon motion of White adopted.

The President appointed Morris, Bass and White as a Committee upon credentials, on motion of Morris recess was taken until 3.35: o'clock P. M. this day.

3.35: o'clock P. M.

Council resumed—Mr. President in the chair.

Upon motion of Gillette, Council adjourned until 11: o'clock A. M. January 26, 1883.

JAMES B. WELLS,
Chief Clerk.

NINETEENTH DAY.

COUNCIL CHAMBER,
Helena, Montana Ter., January 26, 1883.

11: o'clock A. M.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called, all members present.

Journal of yesterday read.

The motion of Mitchell, that journal of yesterday as read, be approved, was lost, upon call of the ayes and nays by the following vote :

A YE—Bass, Cardwell, Cox, Mitchell, Morris and Mr. Pres't:—6

NO—Back, Chessman, Gillette, Thomas, White and Witter:—6

Mr. Witter, chairman of Committee on mileage, now presented report of said committee :

Morris presented report of committee on credentials, and demanded that such report be received and read. Objection being made to the reading of either report, as the journal of preceeding day had not been approved, Mr. President ruled, it unnecessary to correct and approve the journal of preceeding day, before taking up the regular business of the day, and upon appeal from the decision of the chair, the ayes and nays being called, the decision of the chair was sustained by the following vote :

A YE—Bass, Cardwell, Cox, Mitchell, Morris and Mr. Pres't:—6

NA Y—Back, Chessman, Gillette, Thomas, White and Witter:—6

Mr. President deciding now to proceed with the business of the day, the following report of the committee on mileage was received and read :

Mr. President:

Your select committee appointed to ascertain the number of miles necessarily traveled by members of the thirteenth legislative Council in reaching the seat of government of Montana, and returning to their homes, have discharged the duty assigned them and beg leave to report as follows:

H. S. Back,	1066	<i>Miles.</i>
W. E. Bass,	340	
Edward Cardwell,	150	
W. A. Chessman,	2	
Charles G. Cox,	914	
W. C. Gillette,	126	
A. H. Mitchell,	96	
W. W. Morris,	250	
Granville Stuart,	400	
George D. Thomas,	244	
B. F. White,	310	
A. C. Whitter,	180	

All of which is respectfully submitted.

A. C. WITTER,
W. A. CHESSMAN,
C. G. Cox.

Upon motion of White, the report of the committee on mileage was adopted and said committee discharged.

Mr. White, rising to a question of privilege, now presented to the chair a communication containing his objections to, and protest against receiving the report of the committee on credentials, and asked that the same be read prior to reading of said report.

Mr. President ruling it to be proper to first read the committee's report, and later the gentlemen's objection, the clerk was directed to read the report of the committee on credentials, the same being as follows:

Mr. President:

Your committee on credentials, respectfully report, that from eleven Council Districts they find that the following members have certificates of election in due form from the proper officers; that they are entitled to seats, and that there are no other persons claiming any right thereto:

From Missoula county, W. E. Bass.

" Jefferson county, Edward Cardwell.

" Lewis and Clarke county, Wm. A. Chessman.

" Lewis and Clarke county, Warren C. Gillette.

" Custer county, Chas. G. Cox.

" Deer Lodge county, A. H. Mitchell.

" Meagher county, Granville Stuart.

" Gallatin county, Geo. D. Thomas.

- “ Beaverhead county, Benj. F. White.
- “ Silver Bow county, Aron C. Witter.
- “ Madison county, W. W. Morris.

We therefore recommend that the above named persons be recognized and respected as duly elected representatives in this Council.

Your committee would respectfully further report, that in the Council District comprised of Choteau and Dawson counties, A. B. Hamilton and H. S. Back are respectively claiming seats in this body as representatives from said District. That the said A. B. Hamilton has presented to your committee a certificate of election from the county clerk of Choteau county, which is in proper form, and duly attested by his official seal. That under the laws of this Territory, such certificate of election properly emanates from the clerk of the senior county in said District, and that said county of Choteau is such senior county, as will be seen by reference to sec. 8, page 531, Bannack's statutes, and pages 102 and 103, laws of fifth session. That by section 545, 5th division of the revised statutes of this Territory, it is made the duty of the clerk of the board of county commissioners of the county last established, to certify to abstracts of the canvass of the votes of such county, and at once transmit the same to the county clerk of such senior county. That under this statute, the certificate of the abstract of the votes of said District, properly comes from the clerk of the senior county, and is accordingly entitled to full faith and credit, as against all other abstracts purporting to come from such clerks.

Your committee are clearly of opinion that the certificate of Mr. Hamilton is emphatically made the legitimate evidence of his election, which can only be overthrown by showing that he did not receive a majority of the legal votes cast in said District, and no effort has been made to do this. We are unwilling to assent to any other doctrine, than that the duly authenticated certificate of election, by the proper officer, imparts absolute unity, until impeached by ——— showing that the holder of it was not in reality elected. There are but two positions to be taken under the law. One is that the lawful abstract of the votes, by the proper officer, and a certificate of election under his hand and seal, entitles the person named in it, to exercise and enjoy the office. The other, is where it can be shown that this certificate of election is incorrect, and that another actually received the greater number of votes; in which event he is entitled to exercise the functions of the office, and is made the legal evidences of his election. The other the fact of election. The former must prevail, until overcome by proof of the latter. It would be idle and silly to say that the statutes which makes the certificate of the abstract of the votes of Dawson county, as evidence by the returns made to the county commissioners of Choteau county, could be overcome and impeached by another certificate, transmitted to the Territorial auditor. It is the abstract of the clerk of Dawson, sent to the clerk of Choteau, and the latter abstract from *these*, that gives authenticity to the certificate

of election. This is what Mr. Hamilton holds, while Mr. Back has presented nothing but the certified abstract of the respective clerks, as appears from the files of the Territorial auditor. The former, as we have suggested, is made the legitimate evidence for this purpose, while the latter, if unnecessarily, or properly, on file in the office of the auditor, is only for the purpose of canvassing the vote for delegate in Congress, as will be seen by secs. 541, 542 and 543 of the general laws, revised statutes of Montana Territory.

Your committee are of opinion that "each of said abstracts," referred to in said sec. 542, has reference to the vote of the different precincts in the county, for delegate, and the canvass thereof, being the only purposes for which it can be used, as evidenced by the provisions of this statute. Suffice it, however, to say, this abstract is inferior to that which comes from the proper officer, through the proper channel, and is the legitimate evidence of the official character of the person named in it. It is the evidence recognized under the law, and must prevail. Aside from the documentary evidence, there is no testimony before your committee, as to which of the parties, as a fact, did, "receive a *majority* of the LEGAL VOTES" cast, in said District, at said election. The credentials of Mr. Hamilton, being, in all material respects, similar to those presented by other members of this body, whose seats are uncontested, we respectfully recommend, that he, also, be entitled to a seat in this Council; that the Sergeant at Arms notify him thereof; that he be required to attend this body in session, and that the Chief Clerk be instructed to erase the name of said H. S. Back from the roll, and insert in lieu thereof, that of A. B. Hamilton.

Respectfully submitted,

W. W. MORRIS, Chairman,
W. E. BASS.

Mr. White now urging again his question of privilege, the clerk was instructed to read that gentleman's communication, as follows:

To the Members of the Council:

The undersigned was one of the persons designated by the President to this body, as a committee on credentials raised by his own motion without authority of, or direction by the council. To the suggestion then made by one of the members of the council, that such a proceeding was extraordinary, the President replied, that the situation was extraordinary. To the respectful suggestion that such a committee was properly raised, only on direction of the Council, after consultation together, the President replied, that the Council had been consulting sometime without success and that he therefore, assumed to raise this committee of his own motion.

One such committee has been raised by this body, while temporarily organized. At the time the President assumed to take this action all the twelve members of the Council now here had been acting as members for six days, had taken the oath prescribed by our laws for at least five days, and the Council had been permanently

organized for about thirty hours. That a committee on credentials was ever before appointed at such a stage of proceedings by a legislative body, to enquire by what right the members who made the permanent organization hold their seats, is believed to be without a parallel in parliamentary history. But that is a small matter compared with the method and circumstances of its appointment. The Council had one committee on credentials and it has ordered no more. The act of the President in obtruding upon the Council, a committee on credentials, without its desire, directions or request is an act of arbitrary usurpation which cannot in the opinion of the undersigned be too severely condemned. That it was done inconsiderately, he would be glad to believe. If, when a legislative body shall omit to do that which its presiding officer thinks should be done, he may defiantly do it himself, it follows that when that which it does, does not meet his approval, he may undo it,—all but the presiding officers may retire—and we have no democratic, no republican government, but simply arbitrary, lawless irresponsible power, defiant of precedent and the precursor of anarchy. Such action, whatever its motive, must be met at the thresh-hold by resistance in such form as to make the action so conspicuous as to induce an instant and utter cessation of all its pretensions. The undersigned therefore considering his duty to himself, his colleagues, his constituents, and the whole people of Montana and above all, to liberty herself, which unless regulated by law, degenerates into anarchy, does, while willing to act on any committee raised by authority of this body, hereby decline to serve on the Presidents committee so as aforesaid raised.

All of which is respectfully submitted.

B. F. WHITE.

January 26th, 1883.

The clerk now proceeding to call the ayes and nays, upon the motion by Cardwell, that the report of the majority of the committee on credentials be adopted, Morris objected to Mr. Back's voting upon the question, and the chair sustaining the objection, directed the clerk to omit Mr. Back's name.

The ayes and nays being called the vote as announced, was as follows:

A Y E—Bass, Cardwell, Cox, Mitchell, Morris and Mr. Pres't:—6

N A Y—Chessman, Gillette, Thomas, White and Witter:—5

Upon motion by Morris to adjourn until 2 o'clock P. M. this day, the call of ayes and nays, after objection by Morris to Mr. Back's name being called, and the chair sustaining the objection, resulted as follows:

A Y E—Bass, Cardwell, Cox, Mitchell, White and Mr. Pres't:—6

N A Y—Chessman, Gillette, Morris, Thomas and Witter:—5

And the Council thereupon adjourned until said hour.

2 o'clock P. M.

Council met, after adjournment.

Roll called, all members present.

Upon motion by Mitchell a committee of two was appointed, consisting of Mitchell and Chessman, to wait upon Justice Conger, and request him to administer the official oath to Mr. A. B. Hamilton.

On motion of Mitchell, the Council took a recess until 2.15: o'clock P. M.

2.15: o'clock P. M.

Council resumed—Mr. President in the chair.

Roll called, all members present.

Mr. Mitchell from the committee to wait upon Justice Conger, reported the duty preformed, and introduced his honor to the Council. He then administered the official oath to Mr. A. B. Hamilton, who subscribed to the same in presence of the Council and Asso-

ciate Justice, and assumed his seat in the Council chamber.

Upon motion by Cardwell, the Council tendered a vote of thanks to the Hon. Associate Justice, for his courtesy in appearing and administering the above oath.

Upon motion by Bass, Council adjourned until 11 A. M., January 27th, 1883.

JAMES B. WELLS,
Chief Clerk.

TWENTIETH DAY.

COUNCIL CHAMBER,
Helena, January 27, 1883.

Council met, pursuant to adjournment, at 11 A. M.

Mr. President in the chair.

Roll called—all members present.

Journal of yesterday read and approved.

No objection being made, the following communication, presented by Mr. Witter, the preceding day, as a question of privilege, was ordered read and placed upon record:

COMMUNICATION.

To the President and Council, 13th Legislative Assembly of Montana:

Protest is hereby respectfully offered to this honorable body, as follows:

1st. Against the removal of any member from his seat, by adopting a report of a committee, and without vote of the House upon the final question.

2d. Against deciding a motion as carried, when a tie vote is cast upon any question.

3d. Against the chair ruling who shall vote or shall not vote upon any question.

4th. Against any special committee being appointed by the chair, when objected to by, and without a vote of, the House.

The above communication is respectfully submitted, and with a request that said protest may be spread upon the record.

WITTER, Member of the Council from Silver Bow County.
January 26, 1883.

Mr. President announced the following standing committees :

COUNCIL STANDING COMMITTEES.

Ways and Means—Morris, Bass, Thomas.

Judiciary—Cox, Mitchell, White.

Internal Improvements—Chessman, Hamilton, Cardwell.

Federal Relations—White, Morris, Witter.

Education and Labor—Gillette, Cox, Morris.

Towns and Counties—Cardwell, Cox, Thomas.

Public Lands—Thomas, Morris, Hamilton.

Military Affairs—White, Bass, Morris.

Incorporations—Cox, Hamilton, Chessman.

Agriculture and Manufactures—Bass, Thomas, Cardwell.

Elections—Morris, Bass, White.

Indian Affairs—Hamilton, Witter, Chessman.

Mines and Minerals—Witter, Chessman, Mitchell.

Immigration—Thomas, Gillette, Cardwell.

Roads and Highways—Mitchell, Gillette, Bass.

Engrossment—Bass, Chessman, Mitchell.

Enrollment—Mitchell, Chessman, Witter.

Printing—Cardwell, Hamilton, Gillette.

Grazing and Stock Growing—Gillette, White, Hamilton.

The committee upon joint rules reported as follows:

Mr. President :

We, your committee on joint rules of the Council and House, beg leave to report that we have had the same under consideration, and recommend the adoption of the annexed joint rules of the twelfth session of the Montana Legislature. All of which is respectfully submitted.

CARDWELL, Chairman,
O. G. Cox,
WM. A. CHESSMAN.

JOINT RULES OF COUNCIL AND HOUSE; ADOPTED AT THE THIRTEENTH
SESSION OF THE MONTANA LEGISLATURE.

I.

The chamber of the Council and the hall of the house of Representative shall be open from 8 o'clock A. M. until 11 o'clock P. M. of each day during the sessions, unless by resolution of the Council its cham-

ber, or by resolution of the house, its hall shall be closed.

II.

The presiding officer of each house, and, subject to his directions, the Sergeant-at-Arms of each house, shall have general supervision and control of the rooms in which such house meet, and shall see that the doorkeeper and watchman thereof of each house shall be responsible for all property left therein by the government and the members respectively.

III.

The doorkeeper, at all times when the rooms of the house, or either of them, shall be opened, shall be at their posts, and shall admit no person upon the floor of their houses not privileged thereto, except that during any recess a member may invite any person to the floor.

IV.

No moneys from the Territorial Treasury shall be expended; nor shall any indebtedness or liability of the Territory be incurred by either house, except upon a concurrent or joint resolution of the two houses.

V.

The title to a bill shall briefly state its general object, and every bill shall be numbered by the clerk, and the title thereof, and the name of the member introducing the same shall be indorsed thereon.

VI.

Neither house during the session shall adjourn more than one day, nor to any other place than that in which such house shall regularly be sitting, without the consent of the other.

VII.

Messages shall be transmitted between the two houses by the Chief Clerk or Sergeant-at-Arms, or by such other officer of each house as its sense of propriety may dictate, which messages shall keep each house informed with promptness of all notices given and bills introduced, and of the general condition and state of the business of the other.

VIII.

Upon the presentation of an enrolled bill by the joint enrolling committee of the two houses to the presiding officer of one of the houses for his signature thereto, he shall rise in his place and give notice that he is about to sign the same, giving the title thereof; whereupon, if any member shall signify his desire so to do, he shall be permitted to examine the same, but no objections to the presiding officers signing the same shall be of any avail if the same conforms to the engrossed bill as it passed both houses.

IX.

The Enrolling and Engrossing Clerks of the two houses, under the direction of the presiding officer of each house, respectively, when not engaged in enrolling or engrossing bills, shall assist the several select or standing committees.

X.

The journal of each house shall give the title and number of each bill, joint resolution or memorial; but the second and all subsequent references shall be complete when referred to by its number.

XI.

In every case of disagreement between the two houses, if either house requests a conference and appoints a committee for that purpose, the other house shall appoint a committee to confer therewith upon the subject of their disagreement. They shall meet at a convenient time, to be agreed upon by their chairman, and, having conferred freely, each shall report to their respective Houses the result of their conference.

XII.

When a message shall be sent from either house to the other, it shall be announced at the door of the house to which it is sent by the doorkeeper thereof, and shall be respectfully communicated to the chair by the person by whom it is sent.

XIII.

When a bill shall have passed both houses it shall be duly enrolled by the Enrolling Clerk of the house in which it originated, and the fact of its origin shall be certified by the endorsement of the clerks thereof.

XIV.

When bills are enrolled they shall be examined by a joint committee of two from the Council and two from the House of Representatives, who shall be a standing committee for that purpose, and who shall carefully compare the enrollment with the engrossed bills as passed by the houses, correct any errors therein, and make report thereof forthwith to their respective houses.

XV.

After said report, each bill shall be signed, first by the Speaker of the House of Representatives and then by the president of the Council, in the presence of their respective houses while in session.

XVI.

After the bill shall have thus been signed in each house, it shall be presented by said committee to the governor for his approval, and

they shall forthwith report the day and hour of presentation, which shall be entered upon the journal of each house.

XVII.

All memorials to congress, or to any officer or other authority of the government, after they shall have passed both houses, shall be carefully enrolled, signed by the Speaker of the House of Representatives and president of the Council, and shall be transmitted by the Chief Clerk of the House in which they originated to the President of the Senate; the Speaker of the House of Representatives, or to the authority memorialized, and a copy to our delegate in congress.

XVIII.

When any bill, joint resolution or memorial which shall have passed in one House is rejected in the other, notice of said rejection shall be given to the house which has passed the same.

XIX.

When a bill, resolution or memorial which shall have passed one house is rejected in the other, it shall not again be introduced during the session without five days' notice, and leave of two-thirds of the members voting thereon.

XX.

Each house shall transmit to the other, with any bill, resolution or memorial, all papers upon which the same shall be founded.

XXI.

When each house shall have adhered to their disagreement, a bill or resolution is lost.

XXII.

When any bill, memorial or resolution is ordered to be printed, a sufficient number of copies shall be printed for the use of both houses, and the quota for each house delivered to its Sergeant-of-Arms.

XXIII.

It shall be the duty of the Chief Clerk of the House of Representatives and the Council, when any document is ordered to be printed in their respective houses, forthwith to communicate such order to the other house.

XXIV.

Whenever a joint resolution or memorial shall have passed both Houses of the Legislative Assembly, an enrolled copy thereof, duly signed by the Speaker of the House of Representatives and the President of the Council, shall be filed in the office of the Secretary

of the Territory by the Chief Clerk of the house in which the same originated.

Communication from House was received.

Upon motion of Morris, the report of the committee on joint rules was adopted, and the committee discharged.

The following notices were given :

Mr. President :

I hereby give notice, that I will, on to-morrow, or some subsequent day, ask leave to introduce a bill for "An act to provide for the redemption of the funded debt of Lewis and Clarke county."

CHESSMAN.

Mr. President :

I hereby give notice, that to morrow, or upon some subsequent day, I shall introduce a memorial to the Congress of the United States, to reduce the military reservation of Fort Keogh.

January 26th, 1883.

CHAS. G. COX.

Mr. President :

I hereby give notice, that to-morrow, or upon some subsequent day, I shall introduce a bill, entitled, "An act to amend section 310, of article III., of chapter 15, of the fifth division of the general laws.

January 26th, 1883.

CHARLES G. COX.

Mr. President :

I hereby give notice, that to-morrow, or upon subsequent day, I shall introduce a bill to fund the indebtedness of Custer county.

January 26th, 1883.

CHARLES G. COX.

Mr. President :

I hereby give notice, that to-morrow, or upon some subsequent day, I shall introduce a bill to enable the people of Miles city to construct a school house.

January 26th, 1883.

CHARLES G. COX.

Sergeant at-Arms announced a communication from the House. The following communication from the House was received:

HOUSE OF REPRESENTATIVES,

Helena, M. T., Jan. 12th, 1883.

Mr. President :

I am instructed by the House, to inform your honorable body, that notices of the introduction of bills, were given as follows:

By Blake—"A bill for an act amending the Territorial funding act."

Also, "A bill for an act concerning the attorney general."

Also, "A bill for an act concerning the organization of the legislative assembly."

By Forbis—"A bill for an act providing for the election of public administrators."

Also, "A bill for an act, to amend an act, concerning stenographers."

By Kanouse—"A bill for an act in relation to water rights."

By Edwards—"A bill for an act in relation to the obligations of common carriers."

Also, "A bill for an act in relation to licenses."

By Allen—"A bill for an act in relation to the funding of the indebtedness of Jefferson county."

Hickman gave notice of a bill, in the form of concurrent resolution, providing for the call of a convention of delegates, representing the people of the Territory of Montana, to frame a constitution, preparatory to the admission of Montana into the Union, as a sovereign State.

DAVID MARKS,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 13th, 1883.

Mr. President:

I am instructed to inform your honorable body, that notices of the introduction of bills in the House, were given as follows:

By Maloney—"A bill in regard to the salary of the deputy District clerk of Dawson county."

Also, "A bill to refund the indebtedness of Dawson county."

Also, "A bill in regard to the southern boundary line of Dawson county."

By Settle—"A bill for the formation of building and loan associations."

That bills were introduced as follows:

By Forbis—H. B. No. 1, "A bill for an act to amend an act, concerning stenographers."

Also, H. B. No. 2, "A bill for an act providing for the election of public administrators."

By Blake—H. B. No. 3, "A bill for an act amending the Territorial funding act."

DAVID MARKS,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 27, 1883.

Mr. President:

I am instructed by the House, to inform your honorable body, that the House has adopted the joint rules of the twelfth session for the government of the two Houses for the present session.

DAVID MARKS,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 15, 1883.

Mr. President:

I am instructed to inform your honorable body, that notices of the introduction of bills were given as follows:

By Baker—"A bill for an act for the further protection of fish in the streams of Montana."

By Allen—"A bill for an act in relation to the registration of voters of Montana Territory."

By Blake—"A bill concerning the qualifications and registration of voters."

Also, "A bill defining the qualifications of school trustees and county superintendents of common schools."

That the following bills have been introduced:

By Kanouse—H. B. No. 4, "An act relative to water rights."

By Settle—"An act for the formation of building and loan associations."

DAVID MARKS,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 17th, 1883.

Mr. President:

I am instructed by the House, to inform your honorable body, that notices of the introduction of bills were given as follows:

By Comly—"A bill for an act concerning the jurisdiction of justices of the peace."

By Hickman—"A bill amendatory to the charter of the city of Virginia."

By Settle—"A bill for an act concerning the punishment in cases for assault and battery."

That bills were introduced as follows:

By Malony—H. B. No. 8, "A bill for an act to provide for the funding of the outstanding indebtedness of Dawson county."

Also, H. B. No. 9, "A bill for an act concerning the compensation of the deputy district clerk of the district court of Dawson county."

Also, H. B. No. 9, "A bill for an act to change the southern boundary line of Dawson county."

By McAdow—H. B. No. 11, "A bill for an act to regulate city and town plats."

By Mills—H. B. No. 12, "A bill for an act to provide for the collection of special poor tax, of persons who pay no property tax."

By Kanouse—H. B. No. 13, "A bill for an act fixing the salary of county treasurer."

That substitute for H. B. No. 3, was placed upon its final passage, and passed the House, and is herewith transmitted.

Respectfully,
DAVID MARKS,
Chief Clerk.

Substitute for H. B. No. 3, "An act providing for the redemption of the Territorial bonds," was read first and second time, and referred to committee on ways and means.

Mr. President announced that he was about to sign H. J. R. No. 3.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 16, 1883.

Mr. President :

I am instructed by the House, to inform your honorable body, that notices of the introduction of bills have been given as follows:

By Forbis—"A bill for an act creating the office of county attorney."

Also, "A bill for an act amending the criminal practice act."

By Wallace—"A bill in relation to boards of health."

By McAdow—"A bill regulating city and village plats."

By Mills—"A bill for an act to provide for the collection of special poor tax."

By Batten—"A bill providing for the increase of compensation and mileage of county commissioners."

That bills were introduced as follows:

By Baker—H. B. No. 6, "An act for the further protection of fish in the streams of Montana."

By Erwin—H. B. No. 7, "A bill for an act to create the county of Yellowstone, and to elect officers thereof."

DAVID MARKS,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 18th, 1883.

Mr. President :

I am instructed by the House to inform your honorable body, that notices of the introduction of bills, were given as follows:

By Blake—"A bill for an act concerning the seal of the Territory."

By Settle—"A bill to amend the criminal laws of the revised statutes of 1879, of Montana Territory."

By Batten—"A bill for an act concerning Missoula county and the election of officers thereof."

By Mantle—"A bill for an act to amend an act entitled an act to incorporate the city of Butte."

Also, "A bill for an act concerning the fees of assessors."

Blake introduced H. J. R. No. 1, to pay for Territorial seal.

H. B. No. 2, "An act to provide for the election of public administrators," and H. B. No. 8, "An act to provide for the funding of the outstanding indebtedness of Dawson county," have passed the House, and are herewith transmitted.

I am also instructed to transmit a communication from the Governor, giving a list of pardons granted by him, and for what reasons.

DAVID MARKS,
Chief Clerk.

H. B. No. 2, "An act providing for the election of public administrators," was read 1st and 2nd time, and referred to the committee on judiciary.

H. B. No. 8, "An act to provide for the outstanding indebtedness of Dawson county," was read 1st and 2nd time, and referred to the committee on judiciary.

The communication from the Governor, received from the House, showing the pardons by him granted, and reasons therefor, was in part read by the clerk, and further reading, upon motion by Mitchell, discontinued.

Upon motion by Mitchell, recess was taken until 2 p. m. this day.

2 P. M. Council resumed.

Mr. President in the chair.

Roll called—all members present.

The reading of Governor's communication resumed, and upon motion by Mitchell, further reading was suspended, and the same was referred to the committee upon federal relations.

The following notices and communications were read :

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 18th, 1883.

Mr. President :

I am instructed to inform your honorable body, that Forbis gave notice that he would introduce "A bill for an act providing for the assessment of mining stocks."

Blake introduced H. B. No. 13, "A bill for an act concerning the seal of the Territory."

DAVID MARKS,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 19, 1883.

Mr. President :

I am instructed by the house to inform your honorable body, that notices of the introduction of bills were given :

By Blake—"A bill for an act to amend an act concerning chattel mortgages."

By Settle—"A bill for an act entitled an act to amend Sec., 73, of the code of civil procedure."

By Jacobs—"A bill to provide for the refunding of the bonded indebtedness of Beaverhead county."

By Forbis—"A bill for an act to provide for the better observance of Sunday as a day of rest."

By Batten—"An act to enable the people of Missoula and Stevensville to erect school houses."

Also, "an act to amend the law concerning divorce."

That bills were introduced :

By Forbis—H. B. No. 15, "A bill for an act creating the office of county attorney."

By Batten—H. B. No. 16, "A bill for an act concerning Missoula county and the election of officers thereof."

Also, H. B. No. 17, "An act to increase the compensation, and mileage of county commissioners."

Hickman introduced H. J. R. No. 2, "providing for the call of a constitutional convention."

Blake by unanimous consent withdrew H. B. No. 14.

H. B. No. 18, has passed the house and is herewith transmitted.

DAVID MARKS.

H. B. No. 18—"An act concerning the Territorial Seal," was read 1st, and 2d, times, rules suspended, read 3d, times, and passed by the following vote:

A YE—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

NO—

Title as read was agreed to.

The following communication was received:

HOUSE OF REPRESENTATIVES,
Helena M. T., Jan., 20th, 1883

Mr. President:

I am instructed to inform your honorable body by the house.

That notice of the introduction of bills were given by Malony—"A bill to bond Dawson county for the purpose of erecting a court house and jail."

Also, "A bill to repeal that portion Sec., 398, Article 5, which provides that no person shall hold the office of Sheriff more than two terms."

By Wallace—"A bill to amend Section 1051, fifth division revised statutes."

By Allen—"A bill exempting postmaster from services as jurors."

By Blake—"A bill for an act concerning the rights of the Territory in civil actions."

That bills were introduced as follows:

By Forbis—H. B. No. 19, "A bill for an act to provide for the better observance of Sunday as a day of rest."

By Settle—H. B. No. 20, "A bill for an act entitled an act to amend Sect., 73. of the code of civil procedure."

Hickman introduced H. J. M. No. 1, "asking for increased *per diem* and mileage of jurors and witnesses."

H. J. M. No. 1 has passed the House, and is herewith transmitted.

DAVID MARKS,
Chief Clerk.

H. J. M. No. 1, "Asking for increase *per diem*, and mileage of jurors and witnesses," was read 1st and 2d time, and referred to committee upon federal relations.

The following communication was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 27th, 1883.

Mr. President:

I am instructed by the House, to inform your honorable body, that the House has adopted the following concurrent resolution:

Resolved, by the House, the Council concurring, that a joint committee of three members of the House, to act with a like committee of the Council, be appointed to examine the books and accounts of the Territorial Auditor and Treasurer. Said committee to be empowered to employ an expert, if, in their judgment, it should be necessary."

That, in conformity with the above, the Speaker has appointed Hickman, Comly and Jacobs on the part of the House.

DAVID MARKS,
Chief Clerk.

Upon motion by Witter, the Council concurred in the above concurrent resolution, and Mr. President appointed, in conformity therewith, Messrs. Witter, White and Morris as such committee, on part of the Council.

The following communication was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 22d, 1883.

Mr. President:

I am instructed by the House, to inform your honorable body, that notices of the introduction of bills were given as follows:

By Settle—"A bill entitled an act providing for the storage of giant powder."

By Hickman—"An act in relation to printing."

By Maloney—"A bill for the repeal of sections 1, 2, 3, 4, 5 and 6 of an act entitled an act attaching Dawson county to Custer county, for judicial purposes."

Bills were introduced as follows:

By Jacobs—"H. B. No. 21, "A bill for an act to provide for the refunding of the bonded indebtedness of Beaverhead county."

By Settle—"H. B. No. 22, "A bill for an act fixing the punishment in cases of assault and battery."

By Blake—"H. B. No. 23, "A bill for an act concerning the rights of the Territory in civil actions."

H. B. No. 13, "A bill for an act fixing the salary of county treasurer," was indefinitely postponed.

H. B. No. 16 has passed the House, and is herewith transmitted.

DAVID MARKS,
Chief Clerk.

H. B. No. 16, "An act concerning Missoula county, and the election of officers thereof," was read 1st and 2d time, and referred to the committee upon agriculture and manufactures.

The following communication was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 23d, 1883.

Mr. President :

I am instructed by the House, to inform your honorable body, that notices of the introduction of bills were given :

By Settle—"A bill for an act concerning notary publics."

By O'Grady—"An act concerning liens upon mines and mills."

Also, "An act concerning unlawful interference."

By Mantle—"A bill for an act regulating and providing for the organization of insurance companies within the Territory of Montana."

Bills were introduced as follows :

By Wallace—H. B. No. 24, "An act to establish boards of health."

By Hickman—H. B. No. 25, "An act in relation to printing."

By Allen—H. B. No. 26, "A bill for an act to amend section 781, chapter 37, of the general laws of Montana Territory, concerning jurors."

By Batten—H. B. No. 27, "An act to enable the people of Missoula and Stevensville to erect school houses in said towns."

H. B. No. 17, "An act to increase the compensation and mileage of county commissioners," has passed the House, and is herewith transmitted.

DAVID MARKS,
Chief Clerk.

H. B. No. 17, "An act to increase the compensation and mileage of county commissioners," was read 1st and 2d time, and referred to the committee on ways and means.

The following communication was received :

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 24th, 1883.

Mr. President :

I am instructed by the House, to inform your honorable body, that notices of the introduction of bills were given :

By Blake—"A bill for an act concerning certain rights and liabilities of husband and wife."

By Cooper—"A bill providing for the increase of bounty for killing certain animals."

Wallace introduced H. B. No. 28, "An act to amend section 1051, of the fifth division of the revised statutes of Montana."

Bills have passed the house as follows :

H. B. No. 5, "An act for the formation of building associations."

Also, H. B. No. 22, "A bill for an act fixing the punishment in cases of assault and battery."

H. B. No. 11, "A bill for an act to regulate city and village plats."

The bills so passed are herewith transmitted.

DAVID MARKS,
Chief Clerk.

H. B. No. 5, "An act for the formation of building and loan

associations," was read 1st, and 2d, time and referred to the committee upon incorporations.

H. B. No. 22, "An act fixing the punishment in cases of assault and battery," was read 1st, and 2d, time and referred to the committee upon judiciary.

H. B. No. 11, "An act to regulate city and village plats," was read 1st, and 2d, times and referred to committee upon towns and counties.

HOUSE OF REPRESENTATIVES,

Helena M. T., Jan., 25th, 1883.

Mr. President:

I am instructed by the house to inform your honorable body:

That *H. Bills 9 and 21*, have passed the house and are herewith transmitted.

H. B. No. 1, "An act concerning stenographers," was read a third time and lost.

A statement was received from the Warden of the Territorial penitentiary and by orders of the house is herewith transmitted.

DAVID MARKS,

Chief Clerk.

H. B. No. 9, "An act concerning the compensation of the Deputy Clerk of the district court of Dawson county," was read 1st, and 2d, time and referred to the committee upon Judiciary.

H. B. No. 21, "An act to provide for the refunding of the bonded indebtedness of Beaverhead county," was read 1st, and 2d, time and referred to the committee upon Judiciary.

The reading of the report of the warden of the penitentiary, was upon motion of Morris, discontinued and the same was referred to the committee upon federal relations.

On motion of Mitchell, the Council went into executive session, with closed doors.

Council resumed with open doors:

Cardwell, by unanimous consent, introduced;

C. J. R. No. 1; read 1st and 2d times, and upon motion of Cardwell, the rules were suspended, read 3d, time by title and passed by the following vote:

A YE—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell Thomas, White, Witter and Mr. President:—10.

NO—Gillette and Morris:—2.

Hamilton by unanimous consent, gave notice as follows:

Mr. President:

I hereby give notice, that I will upon to-morrow or some future day introduce a Council joint memorial to congress in reference to depredations being committed by Indians upon stockmen.

H. B. HAMILTON.

Morris from committee on ways and means, reported as follows:

Mr. President:

Your committee on "ways and means" to whom was referred, "substitute" for H. B. No. 3, "A bill for an act providing for the redemption of the Territorial bonds," have had the same under consideration and would respectfully recommend that the bill to pass.

MORRIS,
Chairman.

Upon motion by Morris, the rules were suspended, the bill read 3d time, by title, placed on its final passage, and passed by the following vote:

A YE—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

NO—

The title was agreed to.

Upon motion by White Council adjourned until 11 o'clock A. M. January 29th, 1883.

JAMES B. WELLS,
Chief Clerk.

TWENTY SECOND DAY.

COUNCIL CHAMBER,
Helena, M. T., Jan. 29th, 1883.

Council met, pursuant to adjournment, at 11 o'clock, A. M.

Mr. President in the chair.

Roll called, all members present.

Journal of preceding day read and approved.

The following communication was read:

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 27th, 1883.

Mr. President:

I am instructed to inform your honorable body, that Kanouse gave notice that he would introduce "A bill for an act to amend sec. 329 of the fifth division of the revised statutes of Montana."

Cooper introduced H. B. No. 34, "An act to amend an act relative to bounty for killing certain animals."

DAVID MARKS,
Chief Clerk.

The following communication was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 26th, 1883

Mr. President:

I am instructed by the House, to inform your honorable body, that notices of the introduction of bills were given:

By McAdow—"A bill making a uniform system for drawing deeds and plans of land."

By Batten—"A bill for an act to provide for the refunding of the outstanding fifteen per cent. bonds of Missoula county, and for other purposes."

Bills were introduced:

By Blake—H. B. No. 29, "An act concerning qualifications and registration of voters."

By O'Grady—H. B. No. 30, "An act concerning liens upon mines and mills."

H. B. No. 31—"An act concerning unlawful interference."

DAVID MARKS,
Chief Clerk.

The following communication was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 26th, 1883.

Mr. President:

I am directed by the House, to inform your honorable body, that bills were introduced

By Settle—H. B. No. 32, "An act to amend the fourth division of the revised statutes of Montana, entitled criminal laws."

By Blake—H. B. No. 33, "An act concerning certain liabilities of husband and wife."

DAVID MARKS,
Chief Clerk.

Morris, of committee on ways and means, reported as follows:

Mr. President:

Your committee on ways and means, to whom was referred H. B. 17, "An act to increase the compensation and mileage of county commissioners," have had the same under consideration, and would respectfully recommend that the bill pass.

W. W. MORRIS, Chairman.

Upon motion of Chessman, the several documents and reports, accompanying the message of the Governor, as follows, to wit: "The annual report of the Auditor and Treasurer of the Territory of Montana, for the years 1881 and 1882;" "Statement showing the number of Territorial convicts received at the United States penitentiary at Deer Lodge, from January 1, 1873, to January 1, 1883." "Report of the Librarian of the Montana library, and the "Report of the President of the Historical Society of Montana," were referred to the committee upon printing.

Council now went into executive session, with closed doors.

Council resumed, with open doors.

Upon motion by Witter, recess was taken until 2 p. m., this day.

2 P. M., Council resumed.

Mr. President in the chair.

Roll called, all members present.

Mr. H. S. Back gave notice of contest, relative to the seat occupied in this body by Mr. A. B. Hamilton, representing the joint Council District, comprising the counties of Choteau and Dawson. And the same was referred to the committee upon elections.

Mr. Cox reported as follows :

The Honorable Mr. President :

The committee upon judiciary, to whom were referred, House Bill No. 2, entitled an act for the election of public administrators,

And, House Bill, No. 22, entitled an act fixing the punishment in cases of assault and battery, have considered the same, and report them back with the recommendation that they pass.

C. G. Cox,

Chairman.

COUNCIL CHAMBER,

January 29, 1883.

The following notices were received :

Mr. President:

I hereby give notice that I will on to-morrow or some subsequent day, ask leave to introduce a bill for an act to enable the people of Helena school district No. 1, to erect additional school buildings and for other purposes.

Chessman.

Mr. President

I here by give notice, that on to-morrow or some future day, I will introduce a bill in relation to wire fences.

CARDWELL.

Mr. President:

I duly give notice, that on to-morrow or at some future day, I will ask leave to introduce a bill for an act to amend section 587, article 3, fifth division of the general laws of Montana.

WHITE.

Mr. President:

I hereby give notice, that I will, on to-morrow, or some other day, ask leave to introduce "A bill for an act relating to the official survey of the townsite of Helena."

GILLETTE.

To The Honorable, The President :

I hereby give notice, that to-morrow, or upon some subsequent day, I will present a resolution expressive of the sense of the Legislature in the matter of the assassination of the Honorable James A. Garfield, President of the United States of America.

CHAS. G. COX.

Council Chamber, Jan'y 29th, 1883.

Mr. President:

I give notice that I will, on to-morrow or some subsequent day, introduce "A bill for an act to prevent woman-beating in the Territory of Montana."

MITCHELL.

Mr. Thomas, by unanimous consent, introduced a concurrent resolution, relative to a vote of thanks to General Sheridan, Senator Vest, of Missouri, and Jno. Schuyler Crosby, Governor of Montana, for their services in preserving the Yellowstone National Park.

Upon motion of White, the same was adopted.

The following resolution was offered:

Resolved, That, pending the contest by H. S. Back, for a seat in this body, he be granted the privilege of the floor of the Council.

WHITE.

Which upon motion was adopted.

Witter offered a resolution, which Mr. President ruled improper to be presented as it reflected upon a member of the Council.

Upon motion by Mitchell the Council refused to entertain the resolution by the following vote:

A YE—Bass, Cardwell, Hamilton, Mitchell, Morris and Mr. President:—6.

NO—Chessman, Gillette, Thomas, White and Witter:—5.

Mr. Cox asked to, be excused from voting.

Mitchell, of committee on enrollment, reported, that H. B. No. 3, and H. B. No. 18, were correctly enrolled, and Mr. President announced that he was about to sign the same.

The following communication was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 29, 1883.

Mr. President:

I am instructed by the House, to inform your honorable body, that notices of the introduction of bills were given:

By Jacobs—"A bill for an act concerning county seats."

By Blake—"A bill to amend Sec., 661, of the first division of the revised statutes of Montana."

Baker gave notice of the introduction of a joint memorial "relative to artesian wells."

Bills were introduced:

By McAdow—H. B. No. 35, "An act making a uniform system drawing deeds and plans of land."

By Kanouse—H. B. No. 36, "A bill for and act to amend Sec. 329, of the 5th, division of the revised statutes of Montana."

Settler introduced H. J. M. No. 2, concerning the expenses of the governor's office."

H. B. 26, has passed and is herewith transmitted.

O. J. R. No. 1, was placed upon its final passage and lost, the same is herewith transmitted.

DAVID MARKS,
Chief Clerk.

H. B. No. 26, "An act to exempt postmasters from jury duty,"

was read 1st and 2d times and referred to judiciary committee.

H. B. No. 2, Read 3d time and passed by the following vote:

A YE—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Morris, Thomas, White, Witter and Mr. President:—11.

No—

Absent Mitchell.

Title agreed to.

H. B. No. 17, was read third time, and the motion by White, to recommit to committee upon ways and means, was lost by the following vote:

A YE—Chessman, Gillette, White and Witter:—4.

No—Bass, Cardwell, Cox, Hamilton, Mitchell, Morris, Thomas and Mr. President:—8.

The bill was now put upon its final passage and passed by the following vote:

A YE—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Morris, Thomas, Witter and Mr. President:10.

NO—Gillette and White:—2.

Title agreed to.

H. B. No. 22, was read third time and passed by the following vote:

A YE—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

NO—

Title agreed to.

On motion of Mitchell, Council now went into executive session with closed doors.

Council resumed with open doors and the clerk was instructed to note upon the journal that the Council, in executive session, had confirmed the following nominations of the governor for Notaries Public:

NAME.	COUNTY.	DATE.
Henry S Clarke,	Silver Bow	May 4, 1881.
Jno H Curtis,	do	July 25, 1881.
George F Marsh,	do	August 1, 1881.
Wm O Speer,	do	August 1, 1881.
W I Lippincott,	do	Sept 5, 1881.
Charles Andrieux,	do	Sept 12, 1881.
Edward W Knight,	do	Sept 21, 1881.
Benj F Clayton,	do	Oct 10, 1881.
William Wilson,	do	Oct 26, 1881.
Louis E. Dangen,	do	Nov 10, 1881.
J A Savage,	do	Dec 5, 1881.
Jas Ross Clark,	do	Jan 15, 1882.
John C. O. Thornton,	do	Jan 15, 1882.
E B Waterbury,	do	Jan 15, 1882.
Caleb E Irvine,	do	Jan 15, 1882.
Erastus A Nichols,	do	Jan 15, 1882.
Anthony H Barrett,	do	Jan 15, 1882.

NAME.	COUNTY.	DATE.
Henry C. Bodley,	Silver Bow,	Jan 15, 1882.
Jeremiah B Wilcox,	do	do 15, do
Charles S Warren,	do	do 15, do
Geo W Stapleton,	do	Feb 1, 1882.
Partick Talent,	do	March 28, 1882.
William L Hoge,	do	April 10, 1882.
Wm H De Witt,	do	June 11, 1882.
George C Randolph,	do	do 24, do
Lionie E Manning,	do	July 9, 1882.
Jno F. Forbis,	do	do 16, do
Samuel Word,	do	August 2, 1882.
Francis T McBride,	do	Sept 17, 1882.
Charles O'Donnell,	do	Oct 4, 1882.
John Eddy,	do	Dec 2, 1882.
Samuel M LeRoy,	Custer,	Jan 15, 1882.
Fred H Foster,	do	Feb 2, 1882.
Edward Fawkes,	do	Feb 1, 1882.
George D Farwell,	do	March 21, 1882.
George A Way,	do	May 3, 1882.
H H Mund,	do	June 3, 1882.
John J. Coleman,	do	Aug 17, 1882.
Wm C Stackle,	do	do 30, do
J H Williams,	do	Nov 9, 1882.
Walter Matheson,	do	Dec 11, 1882.
A L Love,	do	Dec 26, 1882.
John F Maloney,	Dawson,	Oct 20, '81.
Frank L Richmond,	do	Dec 4, '82.
George S. Palmer,	do	Dec 4, '82.
H S Howell,	Madison,	June 14, '81.
F C Deimling,	do	Jan 15, '82.
Geo W Hardesty,	do	do 15, do
Amos Purdum,	do	do 15, do
Loren B Olds,	do	Jan 24, '82.
Robert Hedge,	do	Feb 3, '82.
Charles H Peck,	do	Jan 15, '82.
David O'Brien,	do	March 25, '82.
Enos H Shaw,	Deer Lodge,	May 2, '81.
Reuben L Davis,	do	May 25, '81.
Fred C McCartney,	do	Nov 17, '81.
Frank D Brown,	do	Dec 10, '81.
Francis R Bill,	do	Jan 15, '82.
John C Robinson,	do	do 15, do
Salton Cannon,	do	do 15, do
Henry S Reed,	do	do 15, do
John R Quigley,	do	do 15, do
John R Eardley,	do	Feb 1, '82.
John I Athey,	Meagher,	July 22, '81.
Arthur Maritz,	do	July 25, '81.
Frank P McPartlan,	do	Sept 19, '81.
Edward Brassej,	do	Jan 15, '82.

NAME.	COUNTY.	DATE.
Henry Whaley,	Meagher,	Jan 15, '82.
Louis Rotwitt,	do	do 16, do
W. J. Stevenson,	do	Feb 9, do
Joseph H Cutting,	do	do 23, do
Michael C. Larkin,	do	Mch 7, do
A E Pound,	do	do 11, do
William Gaddis,	do	do 20, do
John Toombs,	do	do 30, do
N. B. Smith,	do	April 10, do
Oswald C Morston,	do	April 19, do
Alonzo S Reed,	do	May 27, do
Henry G Sanborn,	do	June 13, do
Wm H Buchanan,	do	do 22, do
Jno P McSweeney,	do	August 22, '82.
Robert Robley,	do	Nov 25, '82.
Geo E Tarbell,	Beaverhead	Jan 15, '82.
Alvin F Sears,	do	do 15, do
Alfred J Urlin,	do	Feb 11, do
Charles W Turner,	do	July 16, do
Phil D McGough,	do	Nov 20, do
James J Bunch,	Jefferson	Nov 8, '81.
A H Doughty,	do	Jan 15, '82.
Emil C Eyl,	do	Feb 14, do
J M D Green,	do	March 7, do
Ezekial R Dean,	do	July 11, do
Henry M Hill,	do	Aug 28, do
George R Woodward,	do	Dec 30, do
Max Waterman,	Choteau,	May 10, '81.
James T Boothroyd,	do	July 7, do
John Killillay,	do	do 20, do
William B Settle,	do	Oct 10, do
George W Crane,	do	Jan 15, '82.
J. A. Kanouse,	do	do 15, do
William H Todd,	do	do 18, do
Joseph M Rasin,	do	Mch 11, do
Henry G McIntire,	do	do 14, do
Cassius M Lanning,	do	May 20, do
Robert O McCulloh,	do	Dec 8, do
Arthur B Keeler,	do	do 13, do
Isaac N Hazlett,	do	do 27, do
Wm M Casterline,	Gallatin	Oct 20, 1881.
Peter Koch,	do	Jan 15, 1882.
Michael Hanley,	do	do 15, do
George D Thomas,	do	do 15, do
Robert P Vivion,	do	do 15, do
John W Ponsford,	do	April 3, 1882.
Aime J Malin,	do	May 1, 1882.
William R Bramble,	do	July 18, 1882.
William H Frye,	do	Sept 6, 1882.
James Gourley,	do	Oct 4, 1882.

NAME.	COUNTY.	DATE.
William A Jones,	Gallatin,	Oct 5, 1882.
Charles F Bushnell,	do	Nov 8, 1882.
Oscar Phillips,	do	Dec 2, 1882,
J L Staats,	do	Dec 5, 1882
A L Russell,	do	Dec 9, '82.
Orlando B. Batten,	Missoula,	Dec 15, '82.
Frank H Woody,	do	Jan 15, '82.
Elbert E Farman, 2d	do	April 19, '82.*
G A Wolf,	do	July 9, '82.
W J McCormick,	do	Sep 16, '82.
William Wallace, Jr.,	Lewis and Clarke,	March 4, '81.
John P Dyas,	do	May 13, '81.
Cornelius Hedges,	do	May 31, '81.
John T Grayson,	do	June 8, '81.
Frank P Sterling,	do	July 1, '81.
Charles F Woodman,	do	July 14, '81.
Alfred M Esler,	do	Sep 16, '81.
Wm T McFarland,	do	Nov 25, '81.
George M Stafford,	do	Dec 2, '81.
Nicholas Hilger,	do	Jan 15, '82.
Walter F Chadwick,	do	Jan 15, '82.
F George Heldt,	do	Jan 15, '82.
Theo H Kleinschmidt,	do	Jan 15, '82.
Edward W Knight,	do	Jan 15, '82.
Richard Lockey,	do	Jan 15, '82.
Isham B Porter,	do	Jan 15, '82.
William E Cullen,	do	Jan 15, '82.
William Chumasero,	do	Jan 16, '82.
T G Woods,	do	Jan 21, '82.
Lucien F La Croix,	do	Jan 31, '82.
Henry F Titus,	do	Feb 7, '82.
Israel Salhinger,	do	March 1, '82.
Thomas G Merrill,	do	April 24, '82.
H. B. Wilkins, Jr.,	do	May 27, '82.
Fenno T Osgood,	do	June 1, '82.
Frank H Baker,	do	June 1, '82.
W F Parker,	do	June 17, '82.
Edward N Billups,	do	June 20, '82.
Fletcher Mc Maddox,	do	June 21, '82.
Eugene L Hopkins,	do	June 21, '82.
John H Shoher,	do	July 18, '82.
Warren C Gillette,	do	do 5, do
Thos J Lowry,	do	do 22, do
Thos H Carter,	do	do 8, do
Orson C Bartholomew,	do	do 12, do
Henry W Foote,	do	do 31, do
Haden E Riddle,	do	do 31, do
Harry C Branch,	do	Sep 7, '82.
John W Eddy,	do	do 18, do
Francis Pope,	do	do 25, do
James J Hedges,	do	Nov 9, '82.

NANE.	COUNTY.	DATE.
Joseph J Williams,	Lewis and Clarke,	Nov 28, '82.
Alex M Woolfolk,	do	Dec 11, '82.
Charles H Snell,	do	do 15, do
Louis Ballou,	do	do 20, do
William D Smith,	do	do 30, do
Joseph K Toole,	do	Jan 3, '83.
Charles W Pehrose,	do	do 8, do
Harrison Jordan,	Jefferson,	do 9, do
Steven E Atkinson,	Lewis and Clarke,	do 9, do
Joseph H Harper,	Silver Bow,	do 21, do
John C Kerley,	Meagher,	do 13, do
George W Settle,	Choteau,	do 26, do
Sample W Orr,	Silver Bow,	do 26, '82.

Upon motion by Witter, as amended by Mitchell, Council now adjourned until 11 o'clock A. M. January 30th, 1883.

JAMES B. WELLS,
Chief Clerk.

TWENTY THIRD DAY.

COUNCIL CHAMBER,
Helena, M.T., Jan. 30th, 1883.

Council met pursuant to adjournment at 11 o'clock A. M.

Mr. President in the chair.

Roll called, all members present, journal of yesterday read and approved.

Sergeant-At-Arms, announced a communication from the governor, enclosing correspondence relative to the Amsterdam National Exhibition.

The communication and accompanying papers. were upon motion of White, referred to the committee upon mines and minerals.

Mr. Thomas, by consent withdrew the resolution presented by him yesterday, relative to Yellowstone National Park.

Mr. White reported as follows:

Mr. President:

Your committee on federal relations, to whom was referred house joint memorial No. 1, asking for increased *Per Diem* and mileage for United States jurors and witnesses beg leave to report the same back and recommend that it do pass.

WHITE.

Mr. President:

Your committee on federal relations, to whom were referred the report of pardons granted by governor B. F. Potts, during the years 1881 and 1882, beg leave to report the same back with recommendation that it be placed on the files of the Council.

WHITE.

Mr. Cox reported as follows :

Mr. President:

Your committee upon incorporation, to whom was referred House Bill No. 5, an act for the formation of Building and Loan Associations beg leave to report that they have examined said bill and recommend the passage of same.

CHAS. G. COX,
Chairman.

Council Chamber, January 29th, 1883.

Chessman introduced C. B. No. 1, "A bill for an act to enable the people of Helena school district No. 1, to erect additional school buildings and for other purposes," which was read first and second times, and referred to the committee on education and labor.

Cox introduced C. B. No. 2, "A bill for an act to amend fifth division of the general laws;" the same was read first and second time and referred to the committee upon judiciary.

Also, C. B. No. 3, "A bill for an act to enable the people of school district No. 1, of Custer county to build a school house," which was read first and second time and referred to committee upon education and labor.

White introduced C. B. No. 4, "A bill for an act to amend section 587, article 3, fifth division of the general laws of Montana," which was read first and second time, and referred to the committee upon judiciary.

Thomas by unanimous consent gave notice as follows :

I hereby give notice that I will to-morrow or some future day, introduce the following bills :

An act to change, an act concerning license.

An act to revise and revive an act entitled an act to promote the fish interest of the Territory of Montana.

An act to change an act entitled an act for the protection of fish.

An act concerning the qualifications of electors.

An act to change an act in relation to judges of election in certain cases.

THOMAS.

I hereby give notice that I will to-morrow or some future day, introduce Council joint memorial to congress in relation to boundary lines of National Park.

THOMAS.

H. J. M. No. 1, was read third time and passed by the following vote :

A YE—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

NO—

H. B. No. 5, was upon motion of Witter referred to the committee of the whole, and made a special order at 2.15: p. m. this day.

Upon motion of Chessman, a recess was taken until 2 o'clock P. M.

2 o'clock P. M.

Council resumed.

Upon motion of Hamilton, Mr. Mitchell was called to the chair in the absence of Mr. President.

Roll called.

Absent, Chessman, Gillette and Mr. President.

Mr. Cox reported as follows:

To the Honorable Mr. President:

Your committee upon judiciary to whom was referred, Council B. No. 4, an act to amend section 587, article 111, fifth division of the general laws of the Territory of Montana, report the same back to the Council with the recommendation that it do not pass.

CHAS. G. COX.

Chairman.

January 30, 1883.

Mr. President:

Your committee to whom was referred Council Bill No. 2, an act to amend the fifth division of the general laws, report the same back to the Council with the recommendation that it pass.

CHAS. G. COX,

Chairman.

January 30, 1883.

C. B. No. 2, was ordered to be engrossed, absentees in their seats and Mr. President in the chair. The motion by Witter to reconsider the vote by which H. B. No. 22, had passed this body, prevailed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

And the clerk was instructed to request the house to return said bill to the Council for amendment.

Upon motion by Morris, H. B. No. 22, was, upon its return, ordered to be referred to the committee upon judiciary.

Council resolved itself into committee of the whole to consider H. B. No. 5.

Bass in the chair.

Council resumed—Mr. President in the chair.

And thereupon announced that he was about to sign H. B. No. 2, and H. B. No. 17.

On motion of White Council again resolved itself into committee of the whole.

Council resumed.

Upon motion of Hamilton, Council adjourned until 11 o'clock A. M. to-morrow.

JAMES B. WELLS,
Chief Clerk.

TWENTY-FOURTH DAY.

COUNCIL CHAMBER,
Helena, M. T., Jan. 31, 1883.

Council met, pursuant to adjournment, at 11 A. M.

Mr. President in the chair.

Roll called, all members present.

Journal of yesterday read and approved.

Upon motion of Mitchell, a select committee upon mileage, to report relative to the number of miles traveled by Mr. A. B. Hamilton, was appointed, consisting of Cardwell, Cox and White.

Committee on engrossment reported as follows:

Mr. President:

Your committee on engrossment, to whom was referred Council Bill No. 2, "An act to amend the fifth division of the general laws," beg leave to report the same correctly engrossed.

W. E. BASS.

Mr. Bass presented the report of the committee of the whole, as follows:

Mr. President:

Your committee of the whole, to whom was referred House Bill No. 5, have instructed me to report the same back to the Council, with the recommendation that the bill do pass.

W. E. BASS, Chairman.

Upon motion of Hamilton, the report was adopted.

The following notices were given:

Mr. President:

I desire to give notice, that I will, on to-morrow, or some future day, introduce a bill to enable the people of Glendive, Dawson county, to erect a school house, and for other purposes.

A. B. HAMILTON.

Helena, January 31st, 1883.

Mr. President:

I hereby give notice, that on to-morrow, or at some future day, I will ask leave to introduce a bill for an act to enable the people of Dillon school district, in Beaverhead county, to build a school house.

WHITE.

Mr. President called Cardwell to the chair.

Mr. President:

I hereby give notice, that on to-morrow, or some subsequent day, I will introduce a bill for "An act to enable the county of Meagher to furnish the court house and complete the jail.

STUART.

Mr. President again in the chair.

Cox introduced C. J. M. No. 2, "Expressive of the sense of this Legislature, upon the assassination of President Garfield."

Which was read first and second times, and referred to committee upon federal relations.

The following communication was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 30th, 1883.

Mr. President:

I am directed by the House to inform your honorable body, that Blake gave notices of the introduction of bills as follows: "An act to apportion the members of the legislative assembly."

Also, "An act concerning the salary of county treasurer."

"An act concerning the compensation of county assessor."

The enclosed resolution has passed the House, and is transmitted to the Council to act upon:

Blake introduced H. B. No. 37, "An act concerning the organization of the Legislative assembly."

Baker introduced H. J. M. No. 3, "Asking an appropriation for two artesian wells, to be constructed in Montana Territory."

Under a suspension of the rules the memorial was read a third time, passed, and is herewith transmitted.

DAVID MARKS,
Chief Clerk.

H. C. R., relative to the Governor's message, was read first and second time, and referred to the committee upon printing.

H. J. M., No. 3, "Asking for appropriation for two artesian wells to be constructed in Montana Territory," was read first and second time, and referred to committee upon public lands.

H. B. No. 5 was, upon motion of Witter, made special order for February 3, 1883.

C. B. No. 2 was read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter, Mr. President: 12.

No—

Title agreed to.

C. B. No. 4 was read third time, and lost by the following vote:

Aye—Gillette, White, Witter: 3.

No—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Morris, Thomas, Mr. President: 9.

Upon motion of Mitchell, Council adjourned until 11 A. M. tomorrow.

JAMES B. WELLS,
Chief Clerk.

TWENTY-FIFTH DAY.

COUNCIL CHAMBER,
Helena, M. T., February 1, 1883.

Council met, pursuant to adjournment, at 11 A. M.

Mr. President in the chair.

Roll called, all members present.

Journal of preceding day read and approved.

Mr. Mitchell reported as follows:

Mr. President:

Your committee on enrollment beg leave to report that House Bills No. 3 and 18 were presented to the Governor at 4 P. M., January 29th, 1883.

MITCHELL, Chairman.

Mr. President:

Your committee on enrollment beg leave to report that House Bill No. 2, also House Bill No. 17, were presented to the Governor at 5 o'clock P. M., January 30th, 1883,

MITCHELL,

Mr. Witter reported as follows:

Mr. President:

Your committee upon mines and minerals, to whom was referred the communication from his excellency the Governor, relating to the World's Exposition at Amsterdam, Holland, which opens on May 1st, next, and his recognition of A. Zeehandelaar as agent and commissioner for Montana, respectfully report that they have examined the communication, and are of the opinion that a proper exhibit of the minerals of this Territory, at the World's Exposition, would tend to lead capital in this direction that would otherwise remain away.

Your committee would therefore recommend that this legislative body lend such assistance to the enterprise as will lead to a perfect advertisement of our mineral wealth.

A. C. WITTER, Chairman.

Mr. White reported as follows:

Mr. President:

Your committee on federal relations, to whom was referred Council Joint Resolution No. 2, expressive of the sense of this Legislature upon the assassination of President Garfield, beg leave to report the same back, with the recommendation that it do pass.

WHITE, Chairman.

Mr. Bass reported as follows:

Mr. President:

Your committee on agriculture and manufactures, to whom was referred House Bill No. 16, after careful examination, beg leave to report the same back to the Council, with the recommendation that the bill do pass.

W. E. BASS.

Mr. Cardwell, chairman of the committee on mileage, reported as follows:

Mr. President:

Your select committee, appointed to ascertain the number of miles traveled by the Hon. A. B. Hamilton in reaching the capital in discharge of his duties, have had the same under consideration, and find the number of miles traveled to be 236. All of which is respectfully submitted.

CARDWELL, Chairman.

Upon motion of Mitchell, the report was received and adopted, and the committee discharged.

Chessman introduced O. B. No. 5, "A bill for an act to provide for the redemption of the funded debt of Lewis and Clarke county, and for other purposes," which was read first and second times, and referred to committee upon education and labor.

Thomas introduced O. C. R. No. 2, "Relative to Yellowstone National Park." The same was read first and second times, and referred to committee upon federal relations.

The following communications from the House were received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 31st, 1883.

Mr. President:

In compliance with the request of the Council, H. B. No. 22 is herewith returned.

DAVID MARKS,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Jan. 31st, 1883.

Mr. President:

I am directed by the House to inform your honorable body that notices were given of the introduction of bills:

By Blake—"A bill to create the office of Territorial Geologist."

By Armstrong—"A bill to amend sections 1007 and 1028 of chapter 53, article 1, of the 5th division of Montana Territory."

The following bills were introduced:

By Maloney—H. B. No. 38, "An act to repeal that portion of sec. 398 of the fifth division of the revised statutes, that provides that no person shall hold the office of sheriff more than two terms in succession."

By Blake—H. B. No. 39, "An act concerning depositions taken out of the Territory." Ordered printed.

Also, H. B. No. 40, "An act concerning the compensation of county assessors." Ordered printed.

Also, H. B. No. 41, "An act concerning the fees of county treasurer." Ordered printed.

The following bills have passed the House, and are herewith transmitted:

H. J. M. No. 2, H. B. No. 36, and H. B. No. 27.

H. B. No. 31 to-day passed the House. Wright gave notice of a motion to reconsider.

DAVID MARKS,
Chief Clerk.

H. B. No. 22 having been returned from the House in compliance with request of Council, was referred to committee upon judiciary.

H. J. M. No. 2, "Concerning the expenses of the Governor's office," was read first and second times, and referred to committee upon federal relations.

H. B. No. 36, "A bill for an act to amend sec. 329 of the fifth division of the revised statutes of Montana," was read first and second times, and referred to the committee upon towns and counties.

H. B. No. 27, "A bill for an act to enable the people of Missoula and Stevensville to erect school houses in said towns," was read first and second times, and referred to the committee upon education and labor.

H. B. No. 16 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Mr. President: 11.

No—Witter: 1.

Title agreed to.

C. J. R. No. 2 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter, Mr. President: 12.

Upon motion of Chessman, Council adjourned until 11 A. M. tomorrow.

JAMES B. WELLS,
Chief Clerk.

TWENTY SIXTH DAY.

COUNCIL CHAMBER,
Helena M. T., Feb., 2, 1883.

Council met pursuant to adjournment at 11 o'clock A. M.

Mr. President in the chair.

Roll called, quorum present, journal of yesterday read, corrected and approved.

Mr. Cox reported as follows:

Mr. President:

Your committee upon judiciary, to whom was referred the following bills, beg leave to report substitute for H. B. No. 26, an act to exempt postmasters from jury duty's and H. B. No. 9, an act concerning the compensation of the deputy clerk of Dawson county, back to the Council with the recommendation that each do pass.

H. B. No. 22, an act fixing the punishment in cases of assault and battery, amended by striking out the word "fifth" in the sixth line of said bill, and inserting in line thereof the word "fourth," and recommended that the bill so amended do pass.

CHAS. G. COX,
Chairman.

February 20th, 1883.

Mr. President

Your committee upon judiciary, to whom was referred H. B. No. 21, an act to provide for the refunding of the bonded indebtedness of Beaverhead county, report the same to the Council with amendments, attached to said bill, with the recommendation that, as amended, the bill do pass.

CHAS. G. COX,
Chairman.

Mr. Mitchell reported as follows:

Mr. President:

Your committee an enrollment, beg leave to report that H. J. M. No. 1, asking increased *per diem* and mileage of jurors and witnesses, is correctly enrolled

MITCHELL,
Chairman.

Mr. President:

Your committee on enrollment, beg leave to report that H. B. 16, an act concerning Missoula county and the election of officers thereof, is correctly enrolled.

MITCHELL,
Chairman.

Mr. President announced the signing of H. J. M. No. 1, and H. B. No. 16.

Mr. Gillette reported as follows:

Mr. President:

Your committee on education and labor, to whom was referred, Council Bill No. 5, have duly considered the same, and recommend that it do pass.

GILLETTE,
Chairman.

Mr. Thomas gave notice as follows:

I hereby give notice, that I will to-morrow or some future day, introduce the following bills:

An act entitled an act for the incorporation of the Town of Bozeman.

An act entitled an act, for Township organization.

An act entitled an act, for the relief of Albert W. Tanner.

THOMAS.

Mr White gave notice as follows:

Mr. President:

I hereby give notice that on to-morrow, or on some future day I will ask leave to introduce a bill, for an act to amend section 488, of the fifth division of the revised laws of Montana.

WHITE.

Mitchell introduced:

C. B. No. 6, "A bill for an act to prevent woman beating in the Territory of Montana," the same was read first and second time, and referred to the committee upon printing.

Mr. White introduced the following resolution:

Resolved, that A. Zehandelaer Commissioner for Montana to the International Colonial and export trade exposition to be held at Amsterdam during the year 1883, be, and he is hereby granted, the privilege of the floor of the Council.

WHITE.

Upon motion of Witter the above resolution was adopted.

Cox introduced, by unanimous consent C. J. M. No. 1, "for the congress of the United States, for a reduction of the Military Reservation of Fort Keogh," which was read first and second time. Upon motion of Mitchell the rules suspended, the memorial read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, White, Witter and Mr. President:—12.

No—

The following communication from the house was received:

HOUSE OF REPRESENTATIVES,
Helena M. T., February 2, 1883.

Mr. President:

I am instructed by the house, to inform your honorable body: That the speaker signed H. B. No. 17.

C. J. R. No. 2, was amended and passed the house.

The resolution with house amendment is herewith transmitted.

DAVID MARKS,
Chief Clerk.

Upon motion by Morris the amendments offered by the house to C. J. R. No. 2, were adopted, and the resolution ordered enrolled.

Cardwell reported as follows:

Mr. President:

Your committee on printing to whom was referred, house concurrent resolution asking for the printing of five hundred copies of the messages delivered to this Legislative Assembly by the governor, would beg leave to report that they fully concur in same and recommend the adoption of said resolution.

CARDWELL,
Chairman.

Helena February 2, 1883.

The above concurrent resolution relative to printing governor's messages, was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

H. B. No. 9, was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President,—12.

No—

Title agreed to.

H. B. No. 26, was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

The following communication from the house was received:

HOUSE OF REPRESENTATIVES,
Helena M. T., February 1st, 1883.

Mr. President:

I am instructed by the house to inform your honorable body:

That notices of the introduction of bills were given as follows—

By Hickman—"An act to provide for the printing of blanks, for the use of the governor."

By Batten—"A bill for an act to amend the Montana school law."

By Baker—"A bill to amend an act of the 12th Legislative Assembly, relating to rail-roads, sections 2 and 7."

H. B. No. 31, after a reconsideration of the vote by which it yesterday passed, was again passed. Title agreed to, and is herewith transmitted.

DAVID MARKS,
Chief Clerk.

H. B. No. 31, "A bill for an act concerning unlawful interference," was read first and second times and referred to committee upon judiciary.

Upon motion of Hamilton Council went into executive session with closed doors.

Council resumed, and the clerk was instructed to note upon the journal that the Council had confirmed the nomination of John C. Kerley, Meagher county, John Keren, Lewis and Clark County, Robert B. Smith, Beaverhead county, as Notaries Public.

Upon motion of Witter, Council adjourned until 11 o'clock A. M. to-morrow.

JAMES B. WELLS,
Chief Clerk.

TWENTY-SEVENTH DAY.

COUNCIL CHAMBER,
Helena M. T., Feb., 3, 1883.

Council met pursuant to adjournment at 11 o'clock A. M.

Mr. President in the chair.

Roll called, quorum present.

Journal of yesterday read and approved.

Upon motion of White, H. B. No. 21, was taken up and the amendments offered to same by the committee upon judiciary, adopted, and the amendments ordered engrossed.

Mr. Mitchell reported as follows.

Mr. President:

Your committee on enrollment beg leave to report that House Bill No. 9, an act concerning the compensation of the deputy clerk of the district court of Dawson county: Also House Bill No. 26, "an act to exempt post masters from jury duty," are correctly enrolled.

MITCHELL,
Chairman.

Mr. President announced the signing of H. B. No. 9, and H. B. No. 26.

Mr. Thomas reported as follows:

Mr. President:

Your committee of public lands to whom were referred, house joint memorial No. 3, in relation to artesian wells, instructed me to report that they recommended that the memorial do pass, with following amendments: Strike out the following words, after the title, "the memorial of the Council and house of representatives of the Territory of Montana, comprising its legislative assembly."

THOMAS,
Chairman of Com., of Council, Public Lands.

Upon motion of White, the amendments recommended by the committee on public lands to H. J. M. No. 3, were adopted, and upon motion by Hamilton the amendments were considered engrossed; the memorial read a third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

Cardwell reported as follows:

Mr. President:

Your committee on towns and counties to whom was referred H. B. No. 36, a bill for an act to amend Sec., 329, of the 5th, division of the revised statutes of Montana, have had the same under consideration, and recommend the passage of the same.

CARDWELL,
Chairman.

Cardwell of committee on printing, reported as follows:

Mr. President:

Your committee on printing to whom was referred, the report of his excellency, governor Potts containing a list of pardons granted by his excellency, and his reasons therefor have had the same under consideration, and beg leave to report the message back, with recommendation that it be placed on file.

Also a report of the librarian of the Territorial library, transmitting a statement of the condition to this institution, and having examined the same, report it back to the council without recommendations.

Also a report from the President of the Historical Society of Montana which after perusing the same, report it back to the Council with the recommendation, that the same be printed.

All of which is respectfully submitted.

CARDWELL,
Chairman.

On motion of Mitchell the report was adopted.

Mr. Bass reported as follows:

Mr. President:

Your committee on engrossment to whom was referred, Council Bill No. 5, after examination beg leave to report the same correctly engrossed.

W. E. BASS,
Chairman.

Mr. White reported as follows:

Mr. President:

Your committee on Federal Relations to whom was referred, house joint memorial No. 2, concerning the expense of the governor's office, beg leave to report the same back, and recommend that it do pass.

WHITE,
Chairman.

Mr. Gillette reported as follows:

Mr. President:

Your committee on education and labor to whom was referred, Council Bill No. 1, have carefully examined the same and recommend that it do pass.

GILLETTE,
Chairman.

C. B. No. 1, was ordered engrossed.

The following notices were received:

Mr. President:

I give notice that on to-morrow, or some subsequent day, I will introduce a bill for "An act relative to liens."

MITCHELL,

Mr. President:

I hereby give notice that I will on to-morrow, or some future day, introduce a bill for an act to amend Sec., 10, of an act entitled 'An act to create the county of Silver Bow, and for the election of officers thereof.'

WITTER.

I hereby give notice that I will to-morrow, or some future day, introduce a bill to amend act on corporations under fifth division of general laws.

THOMAS.

Hamilton introduced:

C. B. No. 7, "A bill for an act to enable the people of Glendive to erect a school house," which was read first and second time, and referred to committee upon ways and means.

Thomas introduced:

C. J. R. No. 3, "To revive an act to promote the fish interest of Montana," the same was read first and second time, and referred to committee upon immigration.

Also, C. B. No. 8, "A bill for an act to repeal an act in relation to fish," which was read first and second time, and the motion of Mitchell to postpone the bill indefinitely having been lost, it was referred to the committee upon judiciary.

Upon motion of Witter, Council took a recess until 2 o'clock P. M. this day.

2 o'clock P. M.

Council resumed.

Roll called, quorum present.

Thomas introduced, C. B. No. 9, "A bill for an act entitled an act, for the relief of A. W. Tanner," which was read first and second time, and referred to the committee upon ways and means.

Mr. Mitchell reported as follows:

Mr. President:

Your committee on enrollment, beg leave to report that H. J. R. No. 3, for employment of committee clerks is correctly enrolled.

MITCHELL,
Chairman.

Mr. President:

Your committee on enrollment beg leave to report that the following bills have been approved by the Governor:

H. B. No. 2, "A bill for an act providing for the election of public administrators."

H. B. No. 3, "A bill for an act providing for the redemption of the Territorial bonds."

H. B. No. 16, "An act concerning Missoula county and the election of officers thereof."

H. B. No. 17, "An act to increase the compensation and mileage of county commissioners."

H. B. No. 18, "An act concerning the territorial seal."

H. J. R. No. 3, "For the employment of committee clerks."

MITCHELL, Chairman.

The following communications from the House were received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., Feb. 3d, 1883.

Mr. President:

I am instructed by the House to inform your honorable body, that notices of the introduction of bills were given as follows:

By Baker—"A bill for the better protection of the stock of Montana Territory."

By Kanouse—"A bill for an act to amend sec. 10 of the fifth division of the revised statutes."

Bills were introduced as follows:

By Baker—H. B. No. 43, "An act to amend an act for the payment of stock killed or injured by railroads." Ordered printed.

By Settle—H. B. No. 44, "An act concerning notaries public."

Ry Blake—H. B. No. 45, "An act to amend an act concerning chattel mortgages."

By Hickman—H. B. No. 46, "An act to provide for the printing of blanks for the use of the Governor."

By Blake—H. B. No. 47, "An act to authorize school trustees to issue bonds to build school houses." Ordered printed.

By Forbis—H. B. No. 48, "A bill providing for the incorporation of institutions of learning." Ordered printed.

H. J. M. No. 5 has passed the House, and is herewith transmitted,

DAVID MARKS,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Helena M. T., February 3, 1883.

Mr. President :

I am instructed by the House to inform your honorable body that the following bills have passed the House, and are herewith transmitted:

H. B.'s Nos. 7, 10, 46 and 12.

* The Speaker has signed House Bills 9 and 26.

Hickman introduced H. B. No. 50, "An act relating to the public schools."

DAVID MARKS,
Chief Clerk.

The amendments offered preceding day by committee on judiciary to H. B. No. 22 were adopted, and said amendments ordered engrossed.

H. J. M. No. 5, "Concerning the erection of a custom house at Fort Benton," was read first and second times, and upon motion by Hamilton, the rules were suspended, read a third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Morris, Thomas, White, Witter, Mr. President: 11.

Absent—Gillette.

Title agreed to.

H. B. No. 10, "A bill for an act to amend section 332, fifth division revised statutes of Montana," was read first and second times, and referred to committee upon towns and counties.

H. B. No. 12, "A bill for an act to provide for the collection of special poor tax of persons who pay no property tax," was read first and second times, and referred to committee upon judiciary.

H. B. No. 46, "A bill for an act to provide for the printing of blanks for the use of the Governor," was read first and second times. Hamilton's motion to suspend the rules and place the bill upon its final passage being lost, it was referred to committee upon ways and means.

H. B. No. 7, "An act to create the county of Yellowstone, and for the election of officers thereof," was read first and second times, and referred to the committee upon towns and counties.

H. J. M. No. 2 was read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter, Mr. President: 12.

No—

Title agreed to.

H. B. No. 36 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter, Mr. President: 12.

No—

Title agreed to.

O. B. No. 5 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter, Mr. President: 12.
Title agreed to.

H. B. No. 5 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Morris, White, Mr. President: 9.

No—Gillette, Thomas, Witter: 3.

Witter now moved to amend the title to read as follows: "An act for the benefit of certain incorporators."

Upon motion of Mitchell the amendment to said title was laid upon the table.

Upon motion of Chessman, Council adjourned until 11 A. M., February 5, 1883.

JAMES B. WELLS,
Chief Clerk.

TWENTY-NINTH DAY.

COUNCIL CHAMBER,
Helena, M. T., Feb. 5, 1883.

Council met, pursuant to adjournment, at 11 A. M.

Mr. President in the chair.

Roll called, all members present.

Journal of Saturday read and approved.

Mr. Mitchell reported as follows:

Mr. President:

Your committee on enrollment, beg leave to report that, House Bill No. 16, an act concerning Missoula county, and the election of officers thereof, was presented to the governor Feb., 2d, 1883. 12:15 P. M.

MITCHELL,
Chairman.

Mr. Bass reported as follows:

Mr. President

Your committee on engrossment to whom was referred, Council Bill No. 1, after examination, beg leave to report the same correctly engrossed.

W: E. BASS,
Chairman.

The following notices were given:

Mr. President:

I hereby give notice that I will to-morrow, or some future day, introduce a bill entitled, "An act to amend section 819, chapter 40, of fifth division of general laws."

W. E. Bass.

Mr. President :

I hereby give notice that to-morrow, or at some subsequent date, I will introduce a bill for an act to amend Sec., 343 and 344, and to repeal secs. 345, 346 and 347, of chapter 12, of the third division—Criminal Practice Act.

CHAS. G. COX,

Mr. President :

I give notice that to-morrow, or on some subsequent day, I will introduce a bill to authenticate and legalize the official acts of certain notaries public.

C. G. COX.

Helena 5th, 1833.

Mr. White introduced. C. B. No. 10, "An act to amend section 488, of the 5th, division of the general laws of Montana," the same was read first and second time and referred to committee upon printing.

Thomas introduced, C. B. No. 11, "An act in relation to licensing commercial travellers," which was read first and second time, and referred to committee upon printing.

Mitchell introduced, C. B. No. 12, "An act in relation to liens," which was read first and second time, and referred to committee upon printing.

Gillette reported as follows :

Mr. President :

Your committee upon education and labor, to whom was referred Council Bill No. 3, and House bill No. 27, having carefully considerer the same, would respectfully request that Council Bill No. 3 should pass as amended, and that House Bill No. 27 also pass, with the accompanying amendment.

GILLETTE, Chairman.

Cardwell introduced C. B. No. 13, "A bill for an act to amend an act entitled an act regulating the Montana Library." The same was read first and second times, and referred to committee upon education and labor.

Also, C. B. No. 14, "An act in relation to law library of Montana Territory," which was read first and second times, and referred committee upon education and labor.

Mr. Chessman in the chair.

Mr. Stuart asked leave to introduce without further notice.

C. J. R. No. 4, in relation to the fish interests of Montana, the same was read first and second time, and upon motion of White the rules were suspended, the resolution considered engrossed, read third time, and adopted by the following note :

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

C. B. No. 1, was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

C. B. No. 3, was read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

Upon motion by Witter Council adjourned until 11 o'clock A. M. to-morrow.

JAMRS B. WELLS,
Chief Clerk.

THIRTIETH DAY.

COUNCIL CHAMBER,
Helena M. T., Feb., 6th, 1883.

Council met pursuant to adjournment at 11 o'clock A. M.

Mr. President in the chair.

Roll called, quorum present.

Journal of yesterday read and approved.

Mr. President announced signing H. J. M. No. 2.

Upon motion of White, Council preceeded to election of Chaplain.

Gillette and Cardwell being appointed tellers:

Rev. O. L. Richards, received 1 vote.

Rev. L. B. Palladino, " 3 "

Rev. L. L. Wood, " 7 "

The Rev. L. L. Wood, was thereupon declared elected.

Mr. Bass, reported as follows:

Mr. President:

Your committee on engrossment, to whom was referred House Bill No. 21 and 22, beg leave to report, Council amendments to each of said bills correctly engrossed.

W. E. Bass,
Chairman.

Mr. Morris reported as follows:

Mr. President:

Your committee on "ways and means," to whom was referred C. B. No. 7, an act to enable the people of Glendive to erect a school house, have had the same under consideration and recommend that the bill pass with the following amendments.

In Sec., 1, line nineteen, strike out the word ten, and insert in lieu thereof, eight.

In Sec., 2, line sixteen, strike out the words ninety-five on the dollar of,"

In Sec., 6, line one, strike out the words "county commissioners" and insert in lieu thereof the words "school trustees."

MORRIS,
Chairman.

Upon motion of White the amendments offered by committee to C. B. No. 7, were adopted, and said bill was ordered engrossed.

Mr. Cox reported as follows :

Mr. President:

The committee upon judiciary to whom was referred, H. B. No. 31, entitled an act concerning unlawful interference, report the same back to the Council with the recommendation that it be referred to the committee of the whole.

C. G. Cox,
Chairman.

Feb., 5, 1883.

Upon motion of Mitchell, the report was adopted and the bill made a special order for Thursday next at 11.30 o'clock A. M.

Chessman gave notice as follows :

Mr. President:

I hereby give notice that I will on to-morrow or some subsequent day, ask leave to introduce a bill for an act, to amend an act, entitled an act to incorporate the city of Helena. Approved Feb., 23d, 1881.

CHESSMAN.

Mitchell gave notice as follows :

Mr. President:

I give notice that I will on to-morrow, or some subsequent day, introduce a bill for an act amending of an act, entitled an act, to require persons keeping saloons or gambling houses to prohibit boys from stopping therein.

MITCHELL.

H. B. No. 22, as amended was read third time and passed by the following vote :

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

H. B. No. 21, as amended was read third time and passed by the following vote :

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

Upon motion by Mitchell the vote by which C. B. No. 3, had

passed, was reconsidered by the following vote :

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

And the bill was thereupon ordered engrossed.

The following communication from the house was received :

HOUSE OF REPRESENTATIVES,
Helena, M. T., Feb. 5th, 1883.

Mr. President :

I am instructed by the House to inform your honorable body that notices of the introduction of bills were given as follows :

By Blake—"An act concerning the jurisdiction of the Supreme Court."

By Mills—"A bill for an act to amend section 648 of the fifth division of the revised statutes of Montana."

By Batten—"A bill for an act concerning the sale of fire arms and ammunition to minors."

Also, "A bill for an act to amend section 566 and 578 of the code of civil procedure relating to contempts."

Also, "A bill for an act to amend section 711 and 716 of the fifth division of the revised statutes of Montana relating to trials of sanity."

By Baker—"A bill for the repeal of section 10 of article 4 of the revised statutes of Montana Territory."

By Erwin—"A bill relating to jurisdiction of justices' courts."

Bills were introduced as follows :

By Baker—H. B. No. 51, "A bill for an act to amend section 10 of the fifth division of the revised statutes."

By Batten—H. B. No. 52, "A bill for an act to amend the Montana school law."

By Armstrong—H. B. No. 53, "A bill for an act entitled an act to amend sections 1007 and 1028 of chapter 53 of article 1 of the fifth division of the revised statutes of Montana Territory."

Comly introduced H. J. R. No. 4, "To pay for wood cuts used for publishing marks and brands."

H. B. No. 44, and a concurrent resolution relative to adjournment has passed the House, and are herewith transmitted.

DAVID MARKS,
Chief Clerk.

Upon motion by Witter, H. B. No. 44, "An act concerning oaths of office," was read first and second times, and referred to committee upon judiciary.

H. C. R. relative to adjournment, was read first and second times and referred to committee upon ways and means.

Mr. Mitchell reported as follows :

Mr. President :

Your committee on enrollment beg leave to report that House Bills Nos. 2, 3, 5, 17 and 18 have been correctly enrolled.

MITCHELL, Chairman.

Upon motion of White, Council adjourned until 11 A. M. tomorrow.

JAMES B. WELLS,
Chief Clerk.

THIRTY FIRST DAY.

COUNCIL CHAMBER,
Helena, M. T., Feb. 7, 1883.

Council met, pursuant to adjournment, at 11 A. M.

Mr. President in the chair.

Roll called, all members present.

Prayer by the chaplain.

Journal of yesterday read and approved.

Mr. President announced the signing of C. J. R. No. 2, H. J. M. No. 5, H. B. No. 36, H. J. M. No. 3 and H. B. No. 5.

White reported as follows:

Mr. President:

Your committee on federal relations, to whom was referred Council Concurrent Resolution No. 2, extending the thanks of this Legislative Assembly to his Excellency, Governor Crosby, General Phil. H. Sheridan, and United States Senator Vest for their action in relation to the Yellowstone National Park, beg leave to report the same, with recommendation that it do pass.

WHITE, Chairman.

Bass reported as follows:

Mr. President:

Your committee on engrossment, to whom was referred Council amendments to House Bill No. 27, beg leave to report the same correctly engrossed.

W. E. BASS, Chairman.

Morris reported as follows:

Mr. President:

Your committee on way and means, to whom was referred "Concurrent Resolution relative to adjournment," have had the same under consideration, and beg leave to report the same back, with the recommendation that it do pass.

MORRIS, Chairman.

Mr. President:

Your committee on ways and means, to whom was referred H. B. No. 46, "An act to provide for the printing of blanks for the use of the Governor," have had the same under consideration, and respectfully report the bill back, with recommendation that it do pass.

MORRIS, Chairman.

The following notices were received:

Mr. President:

I hereby give notice that on to-morrow, or at some future day, I will ask leave to introduce "A bill for an act defining the crime of polygamy, and providing for the punishment thereof."

WHITE.

Mr. President:

I hereby give notice that I will to-morrow, or some future day, ask leave to introduce "A bill entitled an act to provide compensation for deputy district clerks."

W. E. BASS.

Mr. President:

I hereby give notice that I will to-morrow, or some future day, ask leave to introduce "A bill to amend an act entitled an act in relation to fees of county clerks."

W. E. BASS.

Mr. President:

I hereby give notice that I will on to-morrow, or some subsequent day, ask leave to introduce "A bill for an act concerning records of placer mining locations."

WITTER.

Mr. President:

I give notice that I will to-morrow, or some future day, introduce a bill for an act to prohibit gaming in certain places."

WITTER.

Mr. President:

Notice is hereby given, that I will on to-morrow, or some future day, introduce "A bill for an act changing the name of Johannes Gustafson to John G. Hulten."

GILLETTE.

To the Honorable Mr. President:

I desire to give notice that I will on to-morrow, or some future day, introduce "A bill asking an appropriation for the Historical Society of Montana, for the purpose of gathering important statistics as regards the early settlement of the Territory."

A. B. HAMILTON.

Helena, Feb. 7, 1883.

Mitchell reported as follows:

Mr. President:

Your committee on enrollment beg leave to report that H. B. No. 9, "An act concerning the compensation of the deputy clerk of the district court of Dawson county," was presented to the Governor on February 3d, at 12.15 P. M.

MITCHELL, Chairman.

Chessman introduced C. B. No. 15, "An act to amend an act entitled an act to incorporate the city of Helena, approved February

22d, 1881," which was read first and second times, and referred to the committee upon education and labor.

Witter introduced C. B. No. 16, "An act to amend an act entitled an act to create the county of Silver Bow, and for the election of officers thereof," which was read first and second times, and referred to the committee upon towns and counties.

Mitchell introduced C. B. No. 17, "An act to amend an act entitled an act to require persons keeping saloons or gaming houses to prohibit boys from stopping therein," which was read first and second times, and referred to the committee upon judiciary.

The following communication from the house was received:

HOUSE OF REPRESENTATIVES,
Helena M. T., February 6th, 1883.

Mr. President

I am instructed by the House to inform your honorable body, that Settle gave notice of the introduction of bills as follows:

"A bill to amend Sec., 452, of the fifth division or the revised statutes of Montana."

Also, "A bill to amend Sec., 168, of the fourth division of the revised statutes of Montana."

Bills were introduced as follows:

By Batten—H. B. No. 54, "A bill for an act to provide for the refunding of certain outstanding bonds of Missoula county Montana, and for other purposes."

Also, H. B. No. 55, "A bill for an act to prohibit the sale of firearms and amunition to minors."

By Edwin—H. B. No. 56, "A bill relative to the jurisdiction of justices court."

By Blake—H. B. No. 57, "An act concerning the jurisdiction of the supreme court."

By Settle—H. B. No. 58, "An act concerning the storage of giant powder, black powder and other combustibles."

By Mills—H. B. No. 59, "A bill for an act to amend Sec., 648, of the fifth division of the revised statutes of Montana."

By Forbis—H. B. No. 60, "A bill concerning assessments upon the stocks of corporations," ordered printed.

By Mantle—H. B. No. 61, "An act regulating insurance companies," ordered printed.

By Blake—H. J. M. No. 6, concerning the appointment of an additional associate justice of the supreme court of Montana Territory.

DAVID MARKS,
Chief Clerk.

Mr. President announced that he was about to sign, H. B. No. 22.

The following communication from the house was received:

HOUSE OF REPRESENTATIVES,
Helena M. T., February 6, 1883.

Mr. President:

I am instructed by the house to inform your honorable body:

That the speaker has signed H. J. M. No. 5, H. bills 5 and 36, H. J. M. No. 3, and C. J. R. No. 21.

That C. B. No. 5, H. B. No. 32, H. J. M. No. 4, and H. J. M. No. 6, have passed the house and are herewith transmitted.

DAVID MARKS,
Chief Clerk.

H. J. M. No. 6, "concerning the appointment of an additional associate justice of the supreme court of Montana Territory," was read first, and second time, and upon motion of Cox, the rules suspended, the memorial read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter, Mr. President: 12.

No—

H. B. No. 32, "An act to amend the fourth division of the revised statutes of Montana, entitled criminal laws," was read first and second time, and referred to the committee upon judiciary.

H. J. M. No. 4, "Concerning Pleuro Pneumonia in cattle," was read first and second time, and upon motion by White, the rules suspended, the memorial read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter, Mr. President: 12.

No—

Title agreed to.

Upon motion by Mitchell, Council adjourned until 11 o'clock A. M. to-morrow.

JAMES B. WELLS,
Chief Clerk.

THIRTY-SECOND DAY.

COUNCIL CHAMBER,
Helena M. T., Feb., 8, 1883.

Council met pursuant to adjournment at 11 o'clock A. M.

Mr. President in the chair.

Roll called, all members present.

Prayer by the chaplain.

Journal of yesterday read and approved.

Mr. President announced that he was about to sign H. J. M. No. 6 and H. B. No. 21.

Thomas presented petition of citizens of Bozeman relative to

incorporation of said town, which was read and referred, with accompanying papers, to committee upon towns and counties.

Council resolved itself into committee of the whole, Mr. Bass in the chair, to consider H. B. No. 31.

Council resumed.

Mr. President in the chair.

Upon motion of Chessman a recess was taken until 2 P. M. this day.

2 P. M. Council resumed.

Mr. President in the chair.

Roll called, quorum present.

Mr. Bass reported as follows:

Mr. President:

Your committee of the whole, to whom was referred House Bill No. 31, after consideration, have instructed me to report the same back to the Council, with the recommendation that it do not pass.

W. E. BASS, Chairman.

H. B. No. 31 was read third time.

The motion of Thomas to recommit the bill to the committee of the whole, and make the same a special order for Saturday next at 11.30 A. M., was lost.

The bill being put upon its final passage, was lost by the following vote:

Aye—Mitchell, Thomas, Witter: 3.

No—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Morris, White, Mr. President: 9.

Chessman moved to reconsider the vote by which H. B. No. 31 was lost, and the motion of White to lay said motion upon the table prevailed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Morris, White, Mr. President: 9.

No—Mitchell, Witter.

Not Voting—Thomas: 1.

Upon motion by Mitchell, Council adjourned until 11 A. M. tomorrow.

JAMES B. WELLS,
Chief Clerk.

THIRTY-THIRD DAY.

COUNCIL CHAMBER,
Helena M. T., February 9th, 1883.

Council met pursuant to adjournment at 11 o'clock A. M.

Mr. President in the chair.

Roll called, all members present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

H. B. No. 27, as amended was read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

Mr. President:

Your committee on enrollment beg leave to report, that H. B. No. 5, 22 and 36, were presented to the president on Feb., 12, 30: A. M.

MITCHELL,

Chairman.

H. B. No. 46, being up for third reading, the following amendment was offered by White:

Amendment to H. B. 46, add to section 1, as follows.

Provided, that for the lithographing or engraving of such blank commissions as may be required by the governor, such prices may be paid as are required, to obtain ordinary lithographic work not to exceed the sum of one hundred dollars.

WHITE.

Upon motion of White, the amendment was adopted, the rules suspended the amendment considered engrossed, the bill as amended put upon its final passage, and passed by the following vote:

Aye—Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—11.

No—Bass:—1.

Title agreed to:

H. C. R. Relative to adjournment, coming up for the third reading, the motion of Mitchell to recommit the same to committee of ways and means, under instructions to report the resolution back upon Feb., 28th, was lost.

Hamilton moved call for the house.

Roll called.

Absent Cardwell.

Sergeant-At-Arms was directed to bring in absentee.

Absentee appeared, all present.

H. C. R. Relative to adjournment being now read third time, was lost by the following vote:

Aye—Bass, Gillette, Morris, White, Witter:—5.

No—Cardwell, Chessman, Cox, Hamilton, Mitchell, Thomas and Mr. President:—7.

Upon motion of Witter, recess was taken until 2 o'clock P. M. this day.

2 P. M. Council resumed.

Roll called, quorum present.

C. C. R. No. 2, was read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton,

Mitchell, Morris, Thomas, White, Witter and Mr. President:—11.

No—

Absent, Cox.

Petition from county commissioners of Meagher county relative to court house and jail, received, read and referred to the member from Meagher County.

Petition from trustees school district No. 8, Meagher county, relative to school house at White Sulphur Springs, received, read and referred to member from said county.

Petition from J. X. Beidler, relative to compensation, received, read and referred to committee on ways and means. Thomas reported as follows:

Mr. President:

Your committee on immigration, to whom were referred, Council Joint Resolution to promote the fishing interest of Montana, have the same under consideration and beg leave to report it back and recommend its passage, with the following amendment:

That section 5, shall read as follows; that an act to promote the fishing interests of the Territory of Montana, approved July 22d, 1879, be and the same, with all acts or parts of acts in conflict with this act are hereby repealed, and the present section 5, be numbered 6, and stand without further change.

THOMAS,
Chairman.

Upon motion of Witter, C. J. R. No. 3, as reported above, was re-referred to committee upon emmigration.

Bass, reported as follows:

Mr. President:

Your committee on engrossment to whom was referred, Council Bill No. 3, and No 7, after examination beg leave to report the same correctly engrossed.

W. E. BASS, Chairman.

Cardwell reported as follows:

Mr. President:

Your committee on printing, to whom was referred C. B. No. 10, a bill to mend Sec., 488, of the 5th division of the general laws of Montana.

Also, C. B. No. 6, a bill for an act to prevent woman beating in the Territory of Montana.

Also C. B. No. 11, an act in relation to licensing commercial travellers, beg leave to report said bills correctly printed.

CARDWELL,
Chairman.

Mitchell reported as follows:

Mr. President:

Your committee on enrollment, beg leave to report that House

Bill No. 21, an act to provide for refunding the bonded indebtedness of Beaverhead county, was presented to the governor on Feb. 8th, 1883, 1 o'clock p. m.

MITCHELL,
Chairman.

Mr. President:

Your committee on enrollment, beg leave to report that Council Bill No. 5, an act to provide for the redemption of the funded debt of Lewis and Clark county and for other purposes, is correctly enrolled.

MITCHELL,
Chairman.

O. B. No. 5, was ordered enrolled.

Mr. President announced that he was about to sign H. B. No. 21 and C. B. No. 5.

Bass gave notice as follows:

Mr. President:

I hereby give notice that I will to-morrow, or some future day, ask leave to introduce a bill for "An act to change the name of the town Garfield, Missoula county."

W. E. BASS.

Mitchell gave notice as follows:

Mr. President:

I hereby give notice that I will on the 14th day of the present month, or some subsequent day, introduce a bill for "An act to amend an act concerning stenographers."

MITCHELL.

Thomas introduced C. B. No. 18, "An act to amend sections 515 and 529, and to repeal section 528 of chapter 21 of the fifth division of the revised statutes," which was read first and second times, and referred to the committee upon printing.

Also, C. B. No. 19, "An act to incorporate the town of Bozeman," which was read first and second times, and referred to committee upon towns and counties.

Gillette introduced C. B. No. 20, "An act to change the name of Johannes Gustaffson to John G. Holten." The bill was read first and second time. Upon motion by Chessman the rules suspended, the bill considered engrossed, read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Mitchell, Morris, Thomas, White, Witter, Mr. President: 11.

Absent—Cox: 1.

Excused from voting—Hamilton: 1.

Title agreed to.

Bass introduced C. B. No. 21, "A bill for an act to amend an act entitled an act to provide compensation for deputy clerks of the district courts. The same was read first and second times and referred

to the committee upon ways and means.

Also, C. B. No. 22, "A bill for an act to amend an act entitled an act in relation to fees of county clerks." The bill was read first and second times, and referred to committee upon ways and means.

Witter introduced C. B. No. 23, "An act concerning records of placer mining locations," which was read first and second time, and referred to committee upon printing.

White introduced C. B. No. 24, "An act defining the crime of polygamy, and providing for the punishment thereof," which was read first and second times, and referred to the committee upon printing.

C. B. No. 10 was referred to committee upon towns and counties.

C. B. No. 11 to the committee upon ways and means.

C. B. No. 6 to the committee upon judiciary.

Mr. Cox reported as follows:

Mr. President:

The committee upon judiciary, to whom was referred C. B. No. 17, entitled "An act to amend an act entitled an act to require persons keeping saloons or gaming houses to prohibit boys from stopping therein," have considered the same, and report it back to the Council, with the recommendation that it do pass.

C. G. Cox,
Chairman.

C. B. No. 17 was ordered engrossed.

Mr. President:

The committee upon judiciary, to whom was referred H. B. No. 12, entitled "An act to provide for the collection of special poor tax of persons who pay no property tax," have considered the same, and report it back to the Council, with the recommendation that it do pass.

CHAS. G. COX, Chairman.

Communication from the Governor, with accompanying papers, relative to the National Mining and Industrial Exposition Association of Denver, Colorado, was read and referred to the committee upon mines and minerals.

Upon motion of Mitchell, Council adjourned until 11 A. M. tomorrow.

JAMES B. WELLS,
Chief Clerk.

THIRTY-FOURTH DAY.

COUNCIL CHAMBER,
Helena M. T., Feb., 10, 1883.

Council met pursuant to adjournment at 11 o'clock A. M.

Mr. President in the chair.

Roll called, all members present.

Prayer by the chaplain.

Journal of yesterday read and approved.

The following communications from the House were received:

HOUSE OF REPRESENTATIVES,
Helena M. T., February 9, 1883.

Mr. President:

I am directed by the House to inform your honorable body that H. B. No. 15 has passed the House, and is herewith transmitted.

DAVID MARKS,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Helena M. T., February 7th, 1883.

Mr. President

I am instructed to inform your honorable body that notices of the introduction of bills were given:

By Blake—"A bill to authorize county commissioners to issue bonds to redeem outstanding indebtedness."

Also, "A bill concerning the change of names."

By Hickman—"A bill to amend section 504 of the fifth division of the revised statutes of Montana."

Council amendments to House Bills 21 and 22 were concurred in by the House.

H. Bs. 42, 28, 54 and 30 have passed the House and are herewith transmitted.

Comly introduced H. B. No. 62, "An act for the purpose of protecting the water rights for agricultural purposes."

The Speaker has signed H. B. No. 22.

DAVID MARKS,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Feb. 8th, 1883.

Mr. President:

I am directed by the House to inform your honorable body that bills were introduced as follows:

By Batten—H. B. No. 53, "An act to amend the code of civil procedure relating to contempts."

By Blake—H. B. No. 64, "An act concerning the change of names of persons."

By Mantle—H. B. No. 65, "A bill to amend an act to incorporate the town of Butte."

Also, H. B. No. 66, "A bill providing for the punishment of persons obstructing railroads."

By Settle—H. B. No. 67, "An act to amend section 451 of the revised statutes of Montana."

Ry. Forbis—H. B. No. 68, "A bill to amend chapter 20 of the

fifth division of the revised statutes of Montana, relating to divorce." The Speaker has signed H. B. No. 21 and H. J. M. No. 6.

DAVID MARKS,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Helena, Feb. 9th, 1883.

Mr. President:

I am directed by the House to inform your honorable body that the Governor has returned to the House Bill No. 5 without his signature, and his reasons therefore. The vote by which H. B. No. 5 was passed was reconsidered. The question being put, "Shall the bill pass, the objections of the Governor to the contrary notwithstanding," the bill was lost.

C. B. No. 2 has passed, with amendments, and is herewith transmitted.

DAVID MARKS,
Chief Clerk.

Upon motion by Hamilton the amendments adopted by the House to C. B. No. 2 were concurred in, and the bill was ordered enrolled.

Mitchell reported as follows:

Mr. President:

Your committee on enrollment beg leave to report that H. J. M. No. 4, "Concerning pleuro-pneumonia in cattle," is correctly enrolled.

MITCHELL, Chairman.

H. B. No. 42, "A bill for an act entitled an act to provide for the funding of the indebtedness of Jefferson county," was read first and second time and referred to the committee upon towns and counties.

H. B. No. 30, "An act concerning liens upon mines and mills, was read first and second time, and referred to the committee upon judiciary.

Cox reported as follows:

Mr. President:

Your committee upon judiciary, to whom was referred C. B. No. 6, entitled an act to prevent woman beating in the Territory of Montana, have considered the same and report it back to the Council with the recommendation that it pass.

And also, C. B. No. 8, entitled an act to repeal an act, in relation to fish, respectfully report the same back to the Council, with the recommendation that it do not pass.

CHAS. G. COX,
Chairman.

C. B. No. 6. was ordered engrossed.

H. B. No. 54, an act to provide for the refunding of certain outstanding bonds of Missoula county, Montana and for other purposes, was read first and second time, and referred to the committee upon ways and means.

Substituted for H. B. No. 28, an act to amend section 1051 of the fifth division of the revised statutes of Montana," was read first and second time, and referred to the committee upon mines and mineral.

H. B. No. 15, "A bill for an act creating the offices of County Attorney," was read first and second time, and referred to the committee upon judiciary.

H. B. No. 12, was taken up for the third reading, and by unanimous consent, upon motion of Morris recommitted to committee upon judiciary.

Upon motion of Chessman, recess was taken until 2 p. m.

2 p. m. Council resumed.

Roll called, all present.

C. B. No. 3, was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

The motion of Mitchell, to reconsider the vote by which concurrent resolution relative to adjournment, was lost prevailed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter, Mr. President: 12.

No—

Upon motion of Witter, the resolution was recommitted to the committee upon ways and means under instructions to report the same back on the 24th of this month.

C. B. No. 7, was taken up for third reading, and upon motion of Mitchell recommitted to the committee to on ways and means.

Cox reported as follows:

To the Honorable Mr. President:

Your committee upon judiciary to whom was referred, H. B. No. 44, entitled an act concerning oaths of office, beg leave to report the same back, amended by sticking out last (4) lines of said bill, and recommend its passage as amended.

CHAS. G. COX,
Chairman.

Amendments to, H. B. No. 44, were upon motion of Witter adopted, and the amendments ordered engrossed.

Cox reported as follows:

Mr. President:

The committee upon judiciary to whom was referred, H. B. No. 10, entitled an act to mend section 332 of the fifth division of the revised statutes of Montana, report the same back to the council with the recommendation that it pass.

CHAS. G. COX,
Chairman.

Mr. President:

Your committee upon judiciary, to whom was referred H. B. No. 32, entitled an act to amend the fourth division of the revised statutes of Montana, entitled Council laws, have had the same under consideration and report the bill back with the recommendation that it pass.

CHAS. G. COX,
CHAIRMAN.

The report of the judiciary committee was adopted, and upon motion by Witter, H. B. No. 32, was referred to the committee of the whole, and made a special order for Monday next at 2.30: p. m.

Upon motion of Thomas C. B. No. 8, was referred to the committee of the whole and made the special order for Monday next at 11.30: p. m.

The motion of Mitchell to adjourn to Monday next at 11 A. M. was lost.

Mr. President announced the regular order, the presentation of petitions.

The motion of Cox to adjourn to 11 A. M. Monday next was, lost.

A petition of citizens of Silver Bow county relative to increased compensation of county treasurer was received, which the clerk proceeded to read and upon motion of Hamilton, further reading was disposed with.

The motion of Hamilton to adjourn until Monday 11 A. M. was lost by the following vote:

Aye—Hamilton, Mitchell, White, Witter and Mr. President:—5.

No—Bass, Cardwell, Chessman, Cox, Gillette, Morris and Thomas:—7.

Committee on printing presented a report:

Mitchell moved to adjourn to 11 A. M. Monday next, lost by the following vote:

Aye—Cardwell, Cox, Mitchell, Morris, White and Mr. President:—6.

No—Bass, Chessman, Gillette, Hamilton, Thomas and Witter:—6.

Upon motion by Witter the petition of citizens of Silver Bow county, was referred to and committee upon ways and means.

Upon motion by Witter, Council adjourned until 11 A. M. Monday next.

JAMES B. WELLS,
Chief Clerk.

THIRTY-SIXTH DAY.

COUNCIL CHAMBER,
Helena M. T., February 12th, 1883.

Council met pursuant to adjournment at 11 o'clock A. M.
Mr. President in the chair.

Roll called, quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Upon motion of White, Witter was granted leave of absence until Wednesday night.

Upon motion of Mitchell C. B. No. 6 was recalled from committee upon engrossment for purposes of amendment. The amendment offered by Mitchell was adopted, and the bill referred to the committee upon engrossment.

Cox reported as follows:

Mr. President:

Your committee upon judiciary, to whom was recommitted H. B. No. 12, "An act to provide for the collection of special poor tax of persons who pay no property tax, beg leave to report the same back without amendment, and recommend that in its present form it do pass.

Without expressing any opinion as to the advisability of reducing the fees paid to assessors under its provisions, we recommend that any action in reference thereto should be had by a separate act amending section 455 of the fifth division of the revised statutes.

CHAS. G. COX, Chairman.

Upon motion of Cox the amendments proposed by committee upon judiciary to H. B. No. 2 were adopted and the bill referred to engrossing committee.

Bass reported as follows:

Mr. President:

Your committee on engrossment, to whom was referred Council Bill No. 17, after examination beg leave to report the same correctly engrossed.

W. E. BASS,
Chairman.

Mr. President:

Your committee upon engrossment, to whom was referred Council amendments to House Bill No. 44, beg leave to report the same correctly engrossed.

W. E. BASS, Chairman.

Mitchell reported as follows:

Mr. President:

Your committee on enrollment beg leave to report that Council Bill No. 5, "An act to provide for the redemption of the funded debt of Lewis and Clarke county, and for other purposes," was presented to the Governor February 10th, 1883, 6 P. M.

MITCHELL, Chairman.

The following notice was given:

Mr. President:

I hereby give notice that on to-morrow or at some future day, I

will ask leave to introduce "A bill for an act in relation to county licenses."

WHITE.

Mr. President called Mitchell to the chair, and gave notice as follows:

Mr. President:

I hereby give notice that on to-morrow, or at some subsequent day, I will ask leave to introduce a bill entitled "An act to enable the people of White Sulphur Springs to build a school house."

STUART.

Stuart, by unanimous consent, introduced C. B. No. 25, "An act to enable the people of White Sulphur Springs to build a school house." The bill was read first and second time, and referred to the committee upon ways and means.

Upon motion of Cardwell, C. B. No. 8, which had been made a special order for this hour, was postponed until, and made special order for Tuesday next, 3 P. M.

Cardwell reported as follow:

Mr. President

Your committee of towns and counties to whom was referred H. B. No. 42, a bill for an act to provide for the funding of the indebtedness of Jefferson county have had the same under consideration, and beg leave to report the bill back and recommend the passage of the same.

CARDWELL,
Chairman.

Mr. President:

Your committee on printing, beg leave to report that C. B. No. 12, an act in relation to liens correctly printed.

CARDWELL,
Chairman.

The report of the committee upon printing, was adopted upon motion of White, and C. B. No. 12 was referred to the judiciary committee.

Bass introduced, C. B. No. 26, "An act to change the name of the town of Garfield," which was read first and second time, and upon motion of Mitchell the rules suspended, the bill considered engrossed, read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton Mitchell, Morris, Thomas, White and Mr. President:—11.

Absent on leave, Witter.

Title agreed to.

The following communication from the Governor was received

EXECUTIVE DEPARTMENT,
Helena, Feb., 10, 1883.

To the Council:

Gentleman:

I have the honor to inform you that I have this day approved:
"Council Bill No. 5—entitled, an act to provide for the redemption of the funded debt of Lewis and Clarke county," and for other purposes.

I am, Very Respectfully,
Your Obed't, Servant,
JOHN SCHUYLER CROSBY,
Governor.

Mr. President called Thomas to the chair, and introduced C. B. No. 27, "An act to enable the county of Meagher to furnish the court house and complete the jail," the bill was read first and second time, and referred to the committee upon ways and means.

White introduced. C. J. R. No. 5, "making appropriations for defraying expenses of representing Montana at the Amsterdam Exposition," the resolution was read first and second time, and referred to the committee upon mines and minerals.

Gillette reported as follows:

Mr. President:

Your committee on education and labor to whom was referred, Council Bill No. 15, "An act, to amend an act, entitled an act, to incorporate the city of Helena," have considered the same, and would respectfully recommend that section 4 and five be stricken out, and that the same pass with the accompanying amendments.

GILLETTE.

Upon motion of White the amendments proposed by committee upon education and labor to C. B. No. 15, was adopted and the bill ordered engrossed.

The following communication from the house was received:

HOUSE OF REPRESENTATIVES,
Helena M. T., February 10th, 1883.

Mr. President:

I am directed by the House to inform your honorable body that That, bills were introduced as follows:

By Hickman—H. B. No. 69, "An act to amend Sec., 506 of chapter 19, of the fifth division of the revised statutes of Montana."

By Blake—H. B. No. 70, "An act to authorize county commissioners to issue bonds to redeem outstanding indebtedness."

By Malony—H. B. No. 71, "An act to enable the county of Dawson to erect a court house and jail."

By Jacobs—H. B. No. 72, "An act to secure manufacturers and owners of railroad equipment and rolling stock in making conditional sales and contracts for the lease thereof."

Joint resolutions were introduced as follows:

By Hickman—H. J. R. No. 5, "For the relief of Edmund W. Bach."

By McAdow—H. J. R. No. 6, "To purchase maps of Montana Territory."

That substitute for H. B. No. 38, H. B. No. 57, and H. B. No. 67, have passed the house and is herewith transmitted.

The report of the joint committee to examine the Auditor and Treasurer's books are herewith transmitted.

DAVID MARKS,
Chief Clerk.

Substitute for H. B. No. 38, "An act concerning sheriffs," was read first and second time, and referred to committee upon judiciary.

H. B. No. 57, "An act concerning the jurisdiction of the supreme court," was read first and second time, and referred to committee upon judiciary.

H. B. No. 67, "An act to amend Section 452, of the fifth division of the revised Statutes of Montana," was read first and second time, and referred to the committee upon judiciary.

Upon motion of Mitchell, Council adjourned until 2 P. M. tomorrow.

JAMES B. WELLS,
Chief Clerk.

To the Legislative Assembly of the Territory of Montana:

Your committee appointed under house concurrent resolution No. 3 to examine and report upon the books and accounts of the Territorial Auditor and Treasurer, for the years 1881 and 1882, respectfully report to the House and Council, that your committee finding the labor of a thorough examination would consume more time than your committee could conveniently spare from their other legislative duties, employed Mr. Edmund W. Bach (an able and experienced accountant) under the authority given them by the resolution. That Mr. Bach attend upon the discharge of these duties and has made a complete and minute examination of the books, accounts, vouchers, etc., connected with the said officers, and made a report to your committee, which is here unto annexed and made a part thereof.

From the said statement of Mr. Bach and the investigation of your committee, they are satisfied that the books and accounts of the officers of auditor and treasurer, are in a satisfactory condition, and that the duties devolving upon said officers have been efficiently and faithfully discharged, your committee would however recommend that in future the treasurer open accounts in the Territorial treasurer's books with all banks in which he may deposit Territorial funds, that in case of sudden death or accident, his books may show where said money is deposited.

All of which is most respectfully submitted.

R. O. HICKMAN,
Chairman, House Com.,
W. W. MORRIS,
Chairman, Council Com.,

I, E. W. Bach, expert employed by the Joint Council and house committees appointed to examine the Auditors and Treasurers books of Montana Territory, do solemnly swear, that I have thoroughly examined the same, and have found in both cases that the books are well and correctly kept, and that all entries in the same are in accordance with the facts as they appear on same, and that the accompanying is a correct copy of trial balances of each as appears by said books.

EDMUND W. BACH.

Subscribed and sworn to before me this 8th day of February, A. D. 1883.

MASSENA BULLARD,
Notary Public.

HELENA, MONTANA, February 8th, 1883.

Per instruction of W. W. Morris, Chairman of the Council Committee, and R. O. Hickman, Chairman of the Legislative Committee, I have made a thorough examination of the books of the Territorial Treasurer, and found the same not only correct in every particular, but that all entries have been made in a thorough business-like form.

The following is the trial balance of his books, taken December 31st, 1882:

TRIAL BALANCE.		DE.	CR.
Bond Account	- - -		\$70,000.00.
G. A. Hampton, Treas	-		2.24.
Territory of Montana	- -		17,741.23.
John McGregor, Heirs	-		45.10.
F. Rafield's	" -		80.00.
A. Metske	" -		99.67.
Frank Williams	" -		73.00.
Chas. Murray	" -		351.41.
Wm. Andrews	" -		38.54.
Edward Bryson	" -		131.72.
Daniel B. Robbs	" -		247.01.
Geo. Miller	" -		83.55.
Jas. Burgin	" -		666.98.
Frank Heynish	" -		55.96.
Cash Account	- - -	\$61,514.42.	
W. G. Edwards, Ex-			
Treasurer	- - -	322.22.	
Fifteen % Fund	- - -	2,779.67.	
Sinking Fund	- - -	25,000.00.	
		\$89,616.41.	\$89,616.41.

EXHIBIT OF FUNDS.

Monies in hand of Treas.	Dep'd in Merch'ts Nat. Bank	\$56,868.78.
Cash Account	\$61,514.42. " " Montana " "	12,213.32.
15 % Fund	2,779.67. " " First " "	20,208.99.
Sinking Fund	25,000.00. Petty Cash in hands of Treas.	3.00.
	\$89,294.09.	\$89,294.09.

E. W. BACH, Accountant.

HELENA, MONTANA, February 8th, 1883.

Acting under the instructions of W. W. Morris, Chairman of the Council Committee, and R. O. Hickman, Chairman of the Legislative Committee, I have made a thorough examination of the books, vouchers, warrants and coupons redeemed, and of all other business executed by the Territorial Auditor, and find that the same are correct in each and every particular.

The following is the trial balance of his books, taken December 31st, 1882:

TRIAL BALANCE.		DR.	CR.
D. H. Weston - - -		\$89,294.09.	
	Territory of Montana		\$16,916.57.
	Bond Account		70,000.00.
	Warrant Account		965.29.
	Escheated Estates		1,185.22.
	John McGregor		45.10.
	F. Rayfield		80.00
	A. Metzki		99.67.
	G. A. Hampton		2.24.
		\$89,294.09.	\$89,294.09.

E. W. BACH, Accountant.

THIRTY-SEVENTH DAY.

COUNCIL CHAMBER,
Helena M. T., Feb., 13, 1883.

Council met, pursuant to adjournment, at 2 P. M.

Mr. President in the chair.

Roll called, absent on leave Witter.

Prayer by the chaplain.

Journal of yesterday read and approved.

H. B. No. 32, having been made a special order for yesterday 2 P. M. and the time having passed for consideration, the bill was upon motion of Mitchell read third time, placed on its final passage, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White and Mr. President:—11.

No—

Absent on leave Witter 1.

Title agreed to.

Mr. President announced the signing of H. B. No. 27 and H. B. No. 46.

Morris reported as follows:

Mr. President:

Your committee on "ways and means," to whom were referred O. B. 11, an act in relation to licensing commercial travelers, have had the same under consideration and respectfully report the same back with recommendation that it do not pass.

MORRIS,
Chairman.

Upon motion of Mitchell the report was adopted.
Bass reported as follows:

Mr. President:

Your committee on engrossment to whom was referred, Council Bill No. 6, after examination beg leave to report the same correctly engrossed.

W. E. BASS, Chairman.

Mr. President:

Your committee on engrossment to whom was referred, Council Bill No. 15, after examination beg leave to report the same correctly engrossed.

W. E. BASS,
Chairman.

Morris reported as follows:

Mr. President:

Your committee on "ways and means," to whom was referred O. B. No. 9, a bill for an act, entitled an act for the relief of A. W. Tanner, have had the same under consideration, and beg leave to report the same back with the accompanying statements, correspondence and that has been taken by and presented to your committee, and would recommend that the bill pass with the following amendments: In Sec. 1, line 1, strike out the words "one thousand" and insert in lieu thereof the words "five hundred," all of which is respectfully submitted.

MORRIS,
Chairman.

H. B. No. 9 as reported back by committee upon ways and means, was upon motion of Mitchell, referred with amendments and accompanying papers to the committee of the whole, and made a special order for 11.30: A. M. to-morrow.

H. B. No. 12, was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White and Mr. President:—11.

No—

Absent on leave, Witter.

H. B. No. 10, was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White and Mr. President:—11.

No—

Absent on leave, Witter.

Title agreed to.

H. B. No. 42, was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White and Mr. President:—11.

No—

Absent on leave, Witter.

Title agreed to.

H. B. No. 44, was read third time and lost by the following vote:

Aye—Cardwell, Chessman, Morris, White and Mr. President:—5.

No—Bass, Cox, Gillette, Hamilton, Mitchell and Thomas:—6.

Absent on leave, Witter, 1.

Council now resolved itself into committee of the whole for consideration of C. B. No. 8, Mr. White in the chair.

Council resumed Mr. President in the chair.

Upon motion of Cox, Council adjourned until 11 A. M. to-morrow.

JAMES B. WELLS,
Chief Clerk.

THIRTY-EIGHTH DAY.

COUNCIL CHAMBER,
Helena M. T., Feb., 14th, 1883.

Council met pursuant to adjournment at 11 o'clock A. M.

Mr. President in the chair.

Roll called, absent, Witter, on leave.

Prayer by the chaplain.

Journal of yesterday read and approved.

White reported as follows:

Mr. President:

I am instructed by your committee of the whole, to whom was referred C. B. No. 8, entitled "An act to repeal an act in relation to fish," to report the same back, with the recommendation that it do not pass.

WHITE, Chairman.

The report of the committee of the whole was adopted.

Thomas moved to reconsider the vote by which H. B. No. 44 had been lost.

The motion of Mitchell to lay the same upon the table, was lost by the following vote:

Aye—Bass, Cox, Mitchell: 3.

No—Cardwell, Chessman, Gillette, Hamilton, Morris, Thomas, White, Mr. President: 8.

Absent on leave, Witter: 1.

The reconsideration of the vote by which H. B. No. 44 had been lost, prevailed by the following vote:

Aye—Cardwell, Chessman, Gillette, Hamilton, Morris, Thomas, White: 7.

No—Bass, Cox, Mitchell, Mr. President: 4.

Absent on leave, Witter: 1.

Morris reported as follows:

Mr. President:

Your committee on ways and means, to which was referred the petition of Mr. John X. Beidler, has had the same under consideration, and begs leave to report the same back to the Council, with the following observations:

Your committee is not permitted to doubt but that the petition is in all respects true. Indeed, it is within the personal knowledge of many members of the Legislative Assembly, and of some members of your committee, that it but partially recites the services which, for nearly twenty years, Mr. Beidler, without adequate compensation, has rendered to the cause of law and order, in the Territory of Montana. If the services were such as required the Territory to pay for the amount fixed in the petition would be a very poor compensation for the labors which Mr. Beidler has performed, the privations he has suffered, the perils he has defied, and the unselfishness which has characterized his labors through all this period of history.

While in earlier times Mr. Beidler was one of a considerable number of citizens whose deeds in maintaining order by extra judicial efforts, at a later period he, more than any other citizen, has been identified in the maintenance of law within the confines of our settlements, and among the Indian tribes which surrounded them. No sum of money which could be paid him could be esteemed an adequate compensation for his services, which he modestly recites in his petition; but your committee are of the opinion that the recognition of a claim like his would lead to other claims, if not of equal strength, at least of no inconsiderable merit, and that if the doors of our Territory are open to compensate citizens of the Territory for services rendered under such circumstances as those recited in this petition, a very considerable number of persons would be entitled to be considered, and a very considerable sum of money required; and that there is no security to the public treasury except by holding aloof from such claims as are presented here, and by remitting to the gratitude of the people of Montana those who have performed such services.

Your committee therefore recommend the passage of the following joint resolution:

Resolved, By the Council, the House concurring, that the thanks of the people of the Territory of Montana are due, and are hereby tendered, to Mr. Jno. X. Beidler, for the services which he has rendered for nearly twenty years in the capture and punishment of out-

laws, and persons guilty of violating the criminal laws of the Territory of Montana.

All of which is respectfully submitted.

MORRIS, Chairman.

Upon motion of Mitchell the report of the committee on ways and means was adopted, and the committee was instructed to present a resolution of thanks to J. X. Beidler in conformity to their report.

Morris reported as follows:

Mr. President:

Your committee on ways and means, to whom were referred C. B. No. 7, "An act to enable the people of Glendive to erect a school house," have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass with the following amendments:

Sec. 5, lines two and three, strike out the words "one hundred, two hundred and." After the words five hundred insert the word "dollars."

MORRIS,
Chairman.

The amendments proposed by committee to C. B. No. 7 were adopted, and the bill was ordered engrossed.

Mitchell reported as follows:

Mr. President:

Your committee on mines and minerals, to whom was referred C. J. R. No. 5, making appropriation for defraying the expenses of representing Montana Territory at the Amsterdam World Exposition, beg leave to report the same back, with a recommendation that it do pass.

MITCHELL.

The above report was adopted, and C. J. R. No. 5 ordered engrossed.

Cardwell reported as follows:

Mr. President:

Your committee on towns and counties, to whom was referred H. B. No. 11, "An act to regulate city and village plats, have had the same under consideration, and recommend the bill as amended do pass.

CARDWELL, Chairman.

Mitchell reported as follows:

Mr. President:

Your committee on enrollment beg leave to report that H. B. Nos. 27 and 46, "An act to enable the people of Missoula and Stevensville to erect school houses in said towns;" "An act to provide for the printing of blanks for the use of the Governor," were presented to the Governor on February 13th, 1883, at 4 P. M.

MITCHELL, Chairman.

Cox reported as follows:

To the Honorable Mr. President:

Your committee upon judiciary, to whom was referred H. B. No. 57, entitled "An act concerning the Supreme Court," have considered the same, and respectfully report the same back to the Council, with the recommendation that it pass.

Also, H. B. No. 67, entitled "An act to amend section 452 of the fifth division of the revised statutes of Montana," having been considered, is reported back to the Council, with the recommendation that it do not pass.

Also, H. B. No. 30, entitled "An act concerning liens upon mines and mills," having been considered, is reported back to the Council, with the recommendation that it do not pass.

Also, H. B. No. 15, entitled "An act creating the office of county attorney," having been considered, is reported back to the Council, with the recommendation that it do not pass.

Also, substitute for H. B. No. 38, entitled "An act concerning sheriffs," having been considered, is respectfully reported back, with the recommendation that it do not pass.

CHAS. G. COX,
Chairman.

The report of the committee on judiciary was adopted.
Chessman reported as follows:

Mr. President:

Your committee on mines and minerals, to whom was referred H. B. No. 28, "An act to amend Sec. 1051 of the 5th division of the revised statutes of Montana," have had the same under consideration, and beg leave to report the same back, with the accompanying amendment, and as amended recommend that it do pass.

CHESSMAN.

The amendment proposed by committee on mines and minerals to H. B. No. 28 was adopted, and the amendment ordered engrossed.

Upon motion of White, C. B. No. 9, which was made the special order for this hour, was postponed until 2 P. M. this day.

C. B. No. 6 was read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White and Mr. President:—11.

No—

Absent on leave, Witter.

Title agreed to.

C. B. No. 8 was read third time, and lost by the following vote:

Aye—Bass, Gillette, Thomas: 3.

No—Cardwell, Chessman, Cox, Hamilton, Mitchell, Morris, White, Mr. President: 8.

Absent on leave Witter 1.

C. B. No. 11 was read third time, and upon motion of Mitchell indefinitely postponed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Mor-

ris, Thomas, White, Mr. President: 10.

No—Gillette: 1.

Absent on leave, Witter: 1.

C. B. No. 17 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White and Mr. President:—11.

No—

Absent on leave, Witter: 1.

Title agreed to.

C. B. No. 5, under suspension of the rules, was read third time by title and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Mr. President: 11.

No—

Absent on leave, Witter: 1.

Title agreed to.

Upon motion of White, Council went into executive session with closed doors.

Council resumed, with open doors, and the clerk was instructed to note upon the journal that the Council in executive session had confirmed the nomination of Daniel H. Weston as Territorial Treasurer.

Upon motion of Hamilton, recess was taken until 2 p. m. to-day.

2 p. m. Council resumed.

Mr. President in the chair.

Roll called, quorum present.

Upon motion of Mitchell Council resolved itself into committee of the whole, Morris in the chair, for the purpose of considering C. B. No. 9.

Council resumed.

Mr. President in the chair.

Upon motion of Cardwell, Council adjourned until 11 A. M. to-morrow.

JAMES B. WELLS,
Chief Clerk.

THIRTY-NINTH DAY.

COUNCIL CHAMBER,
Helena, M. T., Feb. 15, 1883.

Council met pursuant to adjournment at 11 o'clock A. M.

Mr. President in the chair.

Roll called, all members present.

Prayer by the chaplain.

Journal of yesterday read, corrected and approved.

Witter presented petition from citizens of Silver Bow county, relative to county assessor.

Mr. President announced that he was about to sign H. B. No. 10, and H. B. No. 12.

Witter presented petition from citizens of Silver Bow county, relative to extending the corporate limits of the town of Butte.

The same was, upon motion of Mitchell, referred to a select committee consisting of Witter, White and Morris.

Petition was received from citizens of Meagher county, relative to erecting a school house, at White Sulphur Springs.

Upon motion of White said petition was referred to the members from Meagher county.

Petition received from citizens of Silver Bow county, relative to eastern boundary of said county.

Upon motion of Witter, the same was referred to the committee upon towns and counties.

A communication with papers accompanying the same, relative to the National Mining and Industrial Exposition Association of Denver Colorado, was received from the Governor, and referred to the committee upon mines and minerals.

Cardwell reported as follows:

Mr. President:

Your committee on towns and counties, to whom was referred C. B. No. 16, entitled an act, to amend an act, to create the county of Silver Bow and for the election of officers thereof, have had the same under consideration and beg leave to report the bill back, with the recommendation that it do not pass.

CARDWELL,
Chairman.

Mr. President:

Your committee on towns and counties, to whom was referred C. B. No. 10, entitled an act to amend section 488 of the 5th division of general laws of Montana, have had the same under consideration and respectfully report, that the bill pass.

CARDWELL,
Chairman.

C. B. No. 16 and C. B. No. 10, were ordered engrossed.

Bass reported as follows:

Mr. President:

Your committee on engrossment to whom was referred Council Joint Resolution No. 5 and amendment to substitute for House Bill No 28, beg leave to report the same correctly engrossed.

W. E. BASS,
Chairman.

Morris reported as follows:

Mr. President:

Your committee of the whole to whom were referred, C. B. No. 9, an act for the relief of A. W. Tanner, directed me to report the

same back, with progress and ask leave to sit again.

MORRIS,
Chairman.

The following notices were received:

Mr. President:

I hereby give notice that on to-morrow, or at some future day, I will ask leave to introduce a bill for an act to provide for the care and maintainance of Territorial Convicts.

WHITE.

Mr. President:

I desire to give notice that I will on to-morrow or at some future day ask to introduce a bill for the purpose of amending Sec., 507, 5th division, revised statutes of Montana.

A. B. HAMILTON.

White introduced, C. B. No. 28, "An act in relation to county licences," the same was read first and second time and referred to the committee upon ways and means.

Mitchell introduced, C. B. No. 29, "A bill for an act, to amend an act. concerning stenographers." the bill was read first and second time, and referred to the committee upon ways and means.

Cardwell intruduced, by unanimous consent without previous notice, C. B. No. 30, "An act to enable the citizens of Jefferson county to vote on the proposition of changing the county s at " The bill was read first and second tim , and referred to the committee upon towns and counties.

The following communications from the House were received:

HOUSE OF REPRESENTATIVES,
Helena, Feb. 12th, 1883.

Mr. President:

I am directed by the House to inform your honorable body:

That, Council amendments to H. Bills 27 and 46 have been concurred in by the House and the bills ordered enrolled.

Bills were introduced as follows:

By Blake—H. B. No. 73, "An act to apportion the members of the Legislative Assembly," ordered printed.

By Baker—H. B. No. 74, "An act to enable the county of Choteau to erect a court house."

House bills 34, 39, 40, 56, 69 and 71 have passed the house and are herewith transmitted.

DAVID MARKS,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Helena M. T., Febuary 13, 1883.

Mr. President :

I am instructed by the house to inform your honorable body :
That, H. Bills 47 and 65 have passed the house and are herewith transmitted.

The speaker has signed House Bills, 27 and 46.

DAVID MARKS,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Helena, M. T., Feb. 14th, 1883.

Mr. President :

I am instructed by the house to inform your honorable body :
That, B. B. No. 1 and 26 as amended have passed the house and are herewith transmitted.

Notices of the introduction of bills have been given as follows :

By Kanouse—"A bill for an act to provide for the collection of special road tax."

Also, "A bill for an act in relation to rights of way."

By Cooper—"A bill for preventing or spread of contagion among sheep."

By Wallace—"A bill for preventing the carrying of deadly weapons."

By Settle—"An act concerning transportation companies."

By Conely—"An act concerning the letting of service of convicts confined in the Territorial Penitentiary at Deer Lodge."

Also, "An act to provide for the levy and collection of taxes upon the property of railroad companies in this Territory."

Also, "An act to amend Sec., 389 and 390 of the criminal practice act."

DAVID MARKS,
Chief Clerk.

The amendment offered by the house to C. B. No. 26, was concurred in, and said bill as amended, and C. B. No. 1, were ordered enrolled.

Upon motion of Chessman, a recess was taken until 2 p. m.

2 p. m. Council resumed.

Roll called, all present.

The following communication from the House was received :

HOUSE OF REPRESENTATIVES,
Helena M. T., February 15th, 1883

Mr. President:

I am instructed by the House to inform your honorable body that the Speaker has signed H. Bs. 10 and 12.

Bills were introduced as follows :

By Comly—H. B. No. 75—"An act concerning the letting of service of convicts confined in the Territorial penitentiary at Deer Lodge."

Also, H. B. No. 76, "An act to provide for the levy and collection of taxes upon the property of railroad companies in this Territory."

Also, H. B. No. 77, "An act to amend sections 389 and 390 of the criminal practice act."

Also, H. B. No. 78, "A bill for an act to amend sections 191 and 309 of the first division of the code of civil procedure of the revised statutes of the Territory of Montana."

By Cooper—H. B. No. 79, "Bill for prevention or spread of contagion among sheep."

House Bills 75, 76, 78 and 79 were ordered printed.

H. B. No. 59. H. J. R. No. 2 and C. J. R. No. 4 have passed the House and are herewith transmitted.

DAVID MARKS,
Chief Clerk.

C. J. R. No. 4 was ordered enrolled.

H. B. No. 34, "An act to amend an act relating to bounty for killing certain animals," was read first and second time, and referred to the committee upon grazing and stock raising.

H. B. No. 47, "An act to authorize school trustees to issue bonds to build school houses," was read first and second time, and referred to committee upon education and labor.

H. B. No. 39, "An act concerning depositions taken out of the Territory," was read first and second time, and referred to the committee upon judiciary.

H. B. No. 40, "An act concerning the compensation of county assessor," was read first and second time, and referred, together with petition of citizens of Silver Bow county, relative thereto, to the committee upon ways and means.

H. B. No. 65, "A bill to amend an act entitled an act, to incorporate the town of Butte," was read first and second time, and referred to a select committee, consisting of Witter, White and Morris.

H. B. No. 56, "A bill relating to the jurisdiction of justices' courts," was read first and second time, and referred to the committee on judiciary.

H. B. No. 69, "An act to amend section 506 of chapter 19 of the fifth division of the revised statutes of Montana," was read first and second time, and referred to the committee upon ways and means.

Substitute for H. B. No. 59, "An act to amend section 648 of the 5th division of the revised statutes of Montana," was read first and second time, and referred to the committee upon towns and counties.

H. B. No. 71, "A bill for an act to enable the county of Dawson to erect a court house and jail, was read first and second time, and referred to the committee upon ways and means.

H. J. No. 2, providing for a constitutional convention, was read first and second time, and upon motion of Cox referred to a committee made up of one from each judicial district, said committee consisting of Cox, Mitchell and Cardwell.

H. B. No. 11, was read third time and passed as amended by the following vote :

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

H. B. No. 28, was read third time and upon motion of Mitchell recommitted to the committee upon mines and minerals.

H. B. No. 38, was read third time and lost by the following vote:

Aye—Gillette, Morris, Thomas and Witter:—4.

No—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, White and Mr. President:—8.

H. B. No. 30, was read third time and upon motion of Witter recommitted to committee upon judiciary.

H. B. No. 67 was read third time, and lost by the following vote:

Aae—Chessman, Hamilton, Morris, Thomas, Witter: 5.

No—Bass, Cardwell, Cox, Gillette, Mitchell, White, Mr. President: 7.

H. B. No. 15 was read third time and lost by the following vote:

Aye—Gillette, Morris, Thomas, White, Witter: 5.

No—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Mr. President: 7.

A. B. No. 57, was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

H. B. No. 44, was read third time and passed as amended by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Morris, Thomas and White:—8.

No—Mitchell, Witter and Mr. President:—3.

Absent, Hamilton, 1

Title agreed to.

The motion of Mitchell to adjourn.

Cox moved call of the house.

Roll called, absent Hamilton.

Absent appeared.

Further call dispensed with.

The motion of Mitchell to adjourn, was lost.

C. J. R. No. 5, read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

Mitchell reported as follows:

Mr. President

Your committee on enrollment beg leave to report that House Bill No. 10 and 12, "An act to amend section 332 of the fifth division of the revised statutes of Montana."

"An act to provide for the collection of special poor tax of persons who pay no property tax," were presented to the governor on Feb., 15th, 1883, at 12.20: p. m.

MITCHELL, Chairman.

Hamilton by unanimous consent without previous notice introduced C. J. R. No. 6, making appropriation for the purpose of collecting statistics for the Historical Society of Montana, the same was read first and second time, and referred to the committee upon grazing and stock growing.

Despatch, relative to Butte City Charter, received from Mayor of said city, and referred to select committee, consisting of, Witter, White and Morris.

Cardwell reported as follow :

Mr. President:

Your committee on printing beg leave to report, C. B. No. 18 and C. B. No. 23, correctly printed.

CARDWELL,
Chairman.

The report of committee was adopted and C. B. No. 17 and 23, ordered engrossed.

Morris reported as follows :

Mr. President:

Your committee on ways and means, to whom was referred C. B. No. 27, "An act to enable the county of Meagher to furnish the court house and complete the jail," have had the same under consideration, and beg leave to report the same back, with the recommendation that it do pass.

MORRIS,
Chairman.

Upon motion of Morris Council adjourned until 11 A. M. to-morrow.

JAMES B. WELLS,
Chief Clerk.

FORTIETH DAY.

COUNCIL CHAMBER,
Helena M. T., Feburary 16th, 1883.

Council met pursuant to adjournment at 11 o'clock A. M.

Mr. President in the chair.

Roll called, all members present.

Prayer by the chaplain.

Journal of yesterday read, and approved

Mr. President announccd signing of H. B. No. 32 and H. B. No. 42.

Upon motion of White Council went into committee of the whole, Witter in the chair, for the purpose of considering C. B. No. 9.

Council resumed.

Mr. President in the chair.

Mitchell reported as follows :

Mr. President :

Your committee on enrollment, beg leave to report that Council Bills Nos 1 and 26, an act to enable the people of Helena school district No. 1, to erect additional school buildings, and for other purposes.

An act to change the name of the town of Garfield, also, Council joint resolution No. 4, in relation to the fish interest of Montana, are correctly enrolled.

MITCHELL, Chairman.

Morris reported as follows :

Mr. President:

Your committee on "Ways and means," to whom was referred C. B. No. 28, "An act in relation to county licenses," have had the same under consideration, and report it back, with the recommendation that it do pass.

MORRIS,
Chairman.

Mr. President :

Your committee on "ways and means," to whom was referred C. B. No. 29, "A bill for an act, to amend an act, concerning stenographers," have had the same under consideration and recommend its passage, with the following amendments :

In Sec., 1, first page, lines 20 and 21, amend by striking out the words "and Madison," and insert the word "and" before the word Deer Lodge in line 20 of same page and section, also strike out the words "and in Madison county such reporter shall receive an annual salary of two hundred and fifty dollars," on second page of Sec., 1, line 8, 9, 10 and 11.

MORRIS,
Chairman.

Upon motion of Cox, C. B. No. 29, was referred to committee upon judiciary.

Morris reported as follows :

Mr. President:

Your committee on ways and means, to whom was referred, H. B. No. 69, an act to amend Sec., 506 of chapter 19, of the 5th division of the revised statutes of Montana, have had the same under consideration, and beg leave to report the same back, with the recommendation that it do pass.

MORRIS,
Chairman.

Witter reported as follows :

Mr. President:

Your committee of the whole, to whom was referred C. B. No. 9, have had the same under consideration and report the same back, with the following amendment: Strike out the words "one thousand" in Sec., 1 and 2 and insert in line thereof eight hundreds, and as amended it do pass.

WITTER,
Chairman.

The report of the committee of the whole was adopted and C. B. No. 9 ordered engrossed.

Cox reported as follows:

To the Honorable Mr. President:

Your committee upon judiciary, to whom was referred H. B. No. 39, entitled an act concerning depositions taken out of the Territory, have considered the same, and report it to the Council with the recommendation that it pass.

CHAS. G. COX,
Chairman.

Upon motion of Witter, recess was taken until 2 P. M.

2 P. M. Council resumed.

Mr. President in the chair.

Roll called, quorum present.

Cardwell reported as follows:

Mr. President:

Your committee on towns and counties, to whom was referred C. B. No. 19, an act to incorporate the town of Bozeman, have had the same under consideration and beg leave to report the bill back with the recommendation that it pass.

CARDWELL, Chairman.

Upon motion of Bass the rules were suspended, C. B. No. 19 was considered engrossed, and filed for third reading.

Mr. President announced that he was about to sign C. J. R. No. 4, C. B. No. 1 and C. B. No. 26.

Cardwell reported as follows:

Mr. President:

Your committee on towns and counties, to whom was referred C. B. No. 30 have had the same under consideration and beg leave to report the same back, with the recommendation that it pass.

CARDWELL,
Chairman.

C. B. No. 30, was ordered engrossed.

Cardwell reported as follows:

Mr. President :

Your committee on printing, to whom was referred C. B. No. 24, beg leave to report the same correctly printed.

CARDWELL,
Chairman.

Upon motion of Witter, the report of the committee upon printing was adopted, and C. B. No. 24 was referred to the committee upon judiciary.

Bass reported as follows:

Mr. President :

Your committee on engrossment, to whom was referred Council Bill No. 10, Council Bill No. 16 and Council Bill No. 18, beg leave to report the same correctly engrossed.

W. E. BASS,
Chairman.

Cox reported as follows:

Mr. President :

Your committee upon judiciary, to whom was referred H. B. No. 30, entitled an act concerning leins upon mines and mills, have considered the same, and respectfully report the same back to the Council with the recommendation that it do not pass.

CHAS. G. COX,
Chairman.

The following notice was received :

Mr. President :

I hereby give notice that I will on to-morrow, or some subsequent day, introduce a bill for an act, for the better defining of the boundary lines of Silver Bow county and for other purposes.

WITTER.

White introduced, C. C. No. 31, "An act to provide for the care and maintainance of Territorial convicts," which was read first and second time, and referred to the committee upon ways and means.

Hamilton introduced C. B. No. 32, "A bill for an act to amend Sec., 507 of chapter 20, 5th division, revised statutes of Montana," which was read first and second time, and referred to the committee upon judiciary.

Gillette introduced, C. B. No. 33, "A bill for an act relating to the official survey of the townsite of Helena," which was read first and second time, and referred to the committee upon towns and counties.

H. B. No. 39, was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President;—12.

No—

Title agreed to.

H. B. No. 30, was read third time and lost by the following vote:
Aye—Cardwell, Gillette, Hamilton and Thomas:—4.

No—Bass, Chessman, Cox, Mitchell, Morris, White, Witter and Mr. President:—8.

H. B. No. 69 was read third time and upon motion of Mitchell by unanimous consent, recommitted to committee upon ways and means.

C. B. No. 27 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

C. B. No. 10 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Morris, Thomas, White and Mr. President:—10.

No—Mitchell and Witter:—2.

Title agreed to.

C. B. No. 28 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

C. B. No. 16 was read third time and lost by the following vote:

Aye—Chessman, Gillette, Thomas, White and Witter:—5.

No—Bass, Cardwell, Cox, Hamilton, Mitchell, Morris and Mr. President:—7.

C. B. No. 18 was taken up for third reading and upon motion of Mitchell, referred to the committee upon judiciary.

C. B. No. 19 under suspension of the rules, read third time by title, and passed by the following vote.

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

Upon motion of Chessman, Council adjourned until 11 A. M. tomorrow.

JAMES B. WELLS,
 Chief Clerk.

GRANVILLE STEWART, President of the Council.

FORTY-FIRST DAY.

COUNCIL CHAMBER,
Helena M. T., Feb., 17th, 1883.

Council met, pursuant to adjournment, at 11 A. M.

Mr. President in the chair.

Roll called, quorum present.

Prayer by the chaplain.

Journal of yesterday read and approved.

C. B. No. 30 was upon motion of Mitchell recommitted to the committee upon towns and counties for the insertion of an enacting clause thereof.

Mr. President announced that he was about to sign H. B. No. 44 and H. B. No. 57.

The following reports were received:

Mr. President:

Your committee on engrossment, to whom was referred Council Bill No. 9, entitled "An act for the relief of A. W. Tanner," beg leave to report the same correctly engrossed.

W. E. BASS,
Chairman.

Mr. President:

Your committee on ways and means, to whom were referred C. B. No. 31, "An act to provide for the care and maintenance of Territorial convicts," have had the same under consideration, and beg leave to report the same back, with the recommendation that it do pass.

MORRIS, Chairman.

C. B. No. 31 was ordered engrossed.

The following reports were received:

Mr. President:

Your committee on ways and means, to whom was referred H. B. No. 40, "An act concerning the compensation of county assessors," have duly considered the same, and respectfully report the same back, with the recommendation that it do pass.

MORRIS,
Chairman.

Mr. President:

Your committee on enrollment beg leave to report House Bills Nos. 32 and 42, "An act to amend the 4th division of the revised statutes of Montana, entitled criminal laws," "An act to provide for the funding of the indebtedness of Jefferson county, Montana Territory." Council Bills Nos. 1 and 26, "An act to enable the people of Helena school district No. 1 to erect additional school buildings, and for other purposes," "An act to change the name of the town of Garfield." Also, C. J. R. No. 4, "In relation to the fish interests of Mon-

tana." Were presented to the Governor on February 16th, 1883, at 5. P. M.

MITCHELL, Chairman.

Mr. President:

Your committee on education and labor, to whom was referred Council Bill Fo. 13, "A bill for an act to amend an act entitled an act regulating the Montana library," having duly considered the same, would respectfully ask the passage of the accompanying substitute.

GILLETTE.

Substitute for C. B. No. 13, offered by committee upon education and labor, was adopted, and the substitute for said bill ordered engrossed.

The following report was received:

Mr. President:

Your committee on engrossment, to whom was referred Council Bill No. 7, "An act to enable the people of Glendive to erect a school house," beg leave to report the same correctly engrossed.

W. E. BASS, Chairman.

The following notices were given:

Mr. President:

I hereby give notice that on to-morrow or at some future day, I will ask leave to introduce a bill for an act in relation to county licenses.

WHITE.

Mr. President:

I hereby give notice that on to-morrow, or at some future day, I will ask leave to introduce "A bill for an act to apportion the members of the Legislative Assembly."

WHITE.

The following report was received:

Mr. President:

Your committee on mines and minerals, to whom was referred the communications from the Governor relating to the Exposition to be held in Denver, Colorado, during the summer of 1883, beg leave to report that they have examined the same, and recommend that the Governor be empowered to appoint a commissioner for this Territory, and that a resolution pass this body providing for the payment of all necessary expenses.

WITTER, Chairman.

The following communications from the Governor were received:

EXECUTIVE OFFICE,
Helena, Feb. 16th, 1883.

To the Council:

I have the honor to inform you that I have this day approved the following Council Bills:

C. B. No. 1, "An act to enable the people of Helena school District No. 1 to erect additional school buildings, and for other purposes."

C. B. No. 26, "An act to change the name of the town of Garfield."

I am, Very Respectfully,
Your Obed't Servant,
JNO. SCHUYLER CROSBY, Governor.

EXECUTIVE OFFICE,
Helena, Feb. 16th, 1883,

To the Council:

I have the honor to inform you that I have accepted Council Joint Resolution No. 4, "In relation to the fish interests of Montana," and a letter will be written as requested with much pleasure.

I am, Very Respectfully,
Your Obed't Servant,
JNO. SCHUYLER CROSBY, Governor.

Upon motion of Mitchell, H. B. No. 40 was made the special order for 11.30 A. M. this day.

C. B. No. 7 was read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

C. B. No. 9 was read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

Upon motion of White, Council resolved itself into committee of the whole, Morris in the chair, for the purpose of considering H. B. No. 40.

Council resumed.

Mr. President in the chair.

Upon motion of Morris, recess was taken until 2 P. M.

2 P. M. Council resumed.

Mr. President in the chair.

Roll called, quorum present.

Upon motion of Chessman, Council adjourned until 11 A. M. February 19, 1883.

JAMES B. WELLS,
Chief Clerk.

FORTY-THIRD DAY.

COUNCIL CHAMBER,
Helena M. T., Feb., 19, 1883.

Council met pursuant to adjournment at 11 A. M.

Mr. President in the chair.

Roll called, absent Mitchell.

Prayer by the chaplain.

Upon motion of Hamilton Mitchell was granted leave of absence for two days on account of illness.

Journal of Saturday read and approved.

Mr. President announced that he was about to sign H. B. No. 39 and H. B. No. 11.

The following report was received:

Mr. President:

Your committee on mines and minerals, to whom was recommended substitute for H. B. No. 28, "An act to amend section 1051 of the fifth division of the revised statutes of Montana," have examined the same, and beg leave to report it back, with the following substitute, in lieu of original amendment offered by the committee on mines and minerals: Amend by adding to the eighth line on the second page after the word thereof, "Except such claims as are held and being worked for mining purposes, said claims not to exceed twenty acres each, and to be worked not less than thirty days in each year." And as amended it do pass.

WITTER, Chairman.

H. B. No. 28 and amendments was, upon motion of Hamilton, made a special order for 2.30 P. M. to-day.

The following reports were received:

Mr. President:

Your committee on engrossment, to whom was referred substitute for Council Bill No. 13, Council Bill No. 23 and Council Bill No. 31, beg leave to report the same correctly engrossed.

W. E. BASS, Chairman.

Mr. President:

Your committee on towns and counties, to whom was referred C. B. No. 30, "An act to enable the citizens of Jefferson county to vote on the proposition of changing the county seat," for the purpose of amendment, beg leave to report the same back, with the amendment attached to the bill, and recommend it do pass.

CARDWELL,
Chairman.

Mr. President :

Your committee on grazing and stock growing, to whom was referred H. B. No. 34, "An act to amend an act in relation to bounty for killing certain animals," beg leave to report the same back, with a substitute therefore, and recommend that the substitute do pass.

GILLETTE.

Upon motion of Hamilton H. B. No. 34 was, with the substitute therefor, presented by committee, made the special order for to-morrow at 11.30 A. M.*

The following report was received :

Mr. President :

Your committee on grazing and stock growing, to whom was referred Council Joint Resolution No. 6, "Making appropriation for the purpose of collecting statistics for the Historical Society of Montana," have examined the same, and recommend its passage.

GILLETTE.

Upon motion of Hamilton, the report of the committee was adopted, the rules were suspended.

C. J. R. No. 6 considered engrossed, read third time by title, and passed by the following vote :

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Morris, Thomas, White, Witter and Mr. President:—11.

No—

Absent on leave—Mitchell: 1.

Title agreed to.

The following report was received :

Mr. President :

Your committee on towns and counties, to whom was referred C. B. No. 33, "A bill for an act relating to the official survey of the town site of Helena," have had the same under consideration, and beg leave to report the bill back, with the recommendation that it do pass.

CARDWELL, Chairman.

Upon motion of Cardwell the rules were suspended, C. B. No. 33 was considered engrossed, and filed for third reading.

C. B. No. 23 was referred to the committee upon mines and minerals.

The following notices of the introduction of bills were given :

Mr. President :

I desire to give notice that I will on to-morrow, or at some future day, introduce a bill for an act to enable Choteau county to complete their jail.

A. B. HAMILTON.

Mr. President :

I desire to give notice that I will on to-morrow, or at some future day, introduce "A bill for an act to incorporate the town of Benton."

A. B. HAMILTON.

Mr. President:

Notice is hereby given that I will on to-morrow, or some other day, introduce "A bill for an act in reference to the fees of clerks of probate courts.

GILLETTE.

Mr. President

I hereby give notice that I will on to-morrow, or some subsequent day, ask leave to introduce a bill for an act to provide for the levy and collection of street taxes in incorporated towns and cities.

CHESSMAN.

Cardwell introduced C. B. No. 34, "An act in relation to wire fences." The bill was read first and second time, and referred to the committee on grazing and stock growing.

White introduced C. B. No. 35, "A bill for an act in relation to county licenses," which was read first and second time, and referred to the committee on ways and means.

Cardwell introduced C. B. No. 36, "A bill in relation to the law division and miscellaneous division of the Montana library." The bill was read first and second time, and referred to the committee upon education and labor.

The following communication from the Governor was received:

EXECUTIVE OFFICE.

Helena, Feb 7, 1883.

To the Council:

I have the honor to transmit herewith copy of a letter this day addressed to the Honorable, the Chairman of the United States Fish Commission, enclosing a copy of Council Joint Resolution No. 4.

Very Respectfully,

JNO. SCHUYLER CROSBY, Governor.

The copy of letter accompanying Governor's communication was ordered placed on file.

The following communication from the House was received:

HOUSE OF REPRESENTATIVES,

Helena, M. T., Feb. 16th, 1883.

Mr. President :

I am instructed by the House to inform your honorable body that the Speaker has signed House Bills 32 and 42, also Council Bills I and 26, and C. J. R. No. 4.

Notices of the introduction of bills were given as follows:

By Edwards—"A bill to amend the second division of section 348 of the fifth division of the revised statutes of Montana."

Also, "A bill to amend section 13 of the fifth division of the revised statutes of Montana, in relation to animals affected with any contagious disease."

By Settle—"An act to amend sections 253 and 256 of the code of civil procedure of the revised statutes of Montana."

Also, "An act authorizing the building of a railroad from Fort Benton to Helena."

Bills were introduced as follows:

By Settle—H. B. No. 80, "An act to repeal an act entitled an act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri river, at or near Fort Benton, to Helena, and to repeal an act entitled an act to facilitate the construction of the Helena and Benton railroad."

By Wallace—H. B. No. 81, "A bill for an act to prevent the carrying of deadly weapons."

House Bills 68, 63, 77, 80, and C. J. M. No. 1 have passed the House, and are herewith transmitted.

The House has concurred in Council amendments to H. B. No. 44.

DAVID MARKS,
Chief Clerk.

C. J. M. No. 1 was ordered enrolled.

The following communication was received:

HOUSE OF REPRESENTATIVES,
Helena M. T., February 17th, 1883.

Mr. President:

I am directed by the House to inform your honorable body that the House has concurred in Council amendments to H. B. No. 11.

The Speaker has signed House Bills 44 and 57.

Notices of the introduction of bills have been given as follows:

By Armstrong—"A bill relating to estrays."

By Batten—"A bill for an act in relation to insolvent debtors."

Also, "A bill for an act to amend section 87 of the code of civil procedure."

Also, "A bill for an act to provide for the trial of rights of property levied upon, claimed by third parties and others."

By Baker—"An act to provide for the Fort Benton fire department."

By Forbis—"A bill providing for the service of process in criminal cases upon corporations."

Bills were introduced as follows:

By Blake--- H. B. No. 82, "An act regulating the service of process of railroad companies."

By Batten---H. B. No. 83, "An act to amend the code of civil procedure."

By Comly—H. B. No. 84, "An act fixing the salary of clerks of the Supreme Court."

By Kanouse—A. B. No. 85, "A bill for an act in relation to rights of way."

By Mills—H. B. No. 86, "A bill for an act to provide for the protection of labores in mines."

By Edwards—H. B. No. 87, "A bill to amend Sec., 348 of the 5th division of the revised statutes of Montana, relating to county commissioners."

Also, H. B. No. 88, "A bill for an act to amend Sec., 13 of the 5th division of the revised statutes of Montana, in relation to diseased animals."

By Settle—H. B. No. 89, "A bill for an act to amend Sec., 253 and 256, first division, code of civil procedure of the revised statutes of Montana."

DAVID MARKS,
Chief Clerk.

Upon motion of White, Council went into executive session with closed doors to consider communication from the governor.

Council resumed with open doors.

Upon motion of Cox, recess was taken until 2 P. M.

2 P. M. Council resumed.

Roll called, quorum present.

H. B. No. 63, "An act to amend the code of civil procedure relating to contempts," was read first and second time, and referred to the committee upon judiciary.

Upon motion of Cardwell, call of the house was ordered.

Absent Cox.

Sergeant-At-Arms ordered to seek absentee.

Upon motion of White further call of the house was dispersed with.

Absentee in his seat.

H. B. No. 77, "An act to amend Sections 389 and 390 of the criminal practice act," was read first and second time, and referred to the committee upon judiciary.

The following report was received.

Mr. President:

Your committee on enrollment, beg leave to report House Bills Nos 11 and 39, "An act concerning depositions taken out of this Territory," "An act to regulate city and village plats," were presented to the governor on February 19th, 1883, at 12. 20 P. M.

CHESSMAN.

H. B. No. 68, a bill to amend chapter 20 of the fifth division of the revised statutes of Montana, relating to divorce, was read first and second time and referred to committee upon judiciary.

The following report was received:

Mr. President:

Your committee on "ways and means," to whom was referred

H. B. No. 71, "A bill for an act to enable the county of Dawson, to erect a court house and jail," have had the same under consideration, and report it back without recommendation.

MORRIS,
Chairman.

H. B. No. 80, "A bill for an act to repeal an an act, entitled an act, to authorize the counties interested, to assist in building a railroad from the head of navigation on the Missouri River, at or near Fort Benton to Helena, and to repeal an act, entitled an act, to facilitate the construction of the Helena and Benton railroad," the bill was read first and second time, and referred to a committee, consisting of the members from Lewis and Clarke, Choteau and Dawson counties.

H. B. No. 71 was taken up for third reading, and upon motion of Hamilton, made special order for 2.30: P. M. to-morrow.

H. B. No. 28 was made special order for 3 P. M. to-day.

Telegram from Mayor of Butte received, remonstrating against passage of bills, extending the boundaries of said city, and referred to select committee having charge of said bill, consisting of Witter, White and Morris.

C. B. No. 31, was read third time and passed [by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Morris, Thomas, White, Witter and Mr. President:—11.

No—

Absent on leave, Mitchell.

Title agreed to.

C. B. No. 33, was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Morris, Thomas, White, Witter and Mr. President:—11.

No—

Absent on leave, Mitchell.

Title agreed to.

The following reports were received:

Mr. President:

Your committee on engrossment to whom was referred, Council Bill No. 30, beg leave to report the same correctly engrossed.

W. E. BASS,
Chairman.

C. B. No. 30, was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Absent on leave, Mitchel, 1.

Title agreed to.

Substitute for C. B. No. 13 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Absent on leave, Mitchell, 1.

Title agreed to.

Council resolved itself into committee of the whole.

Bass in the chair, to consider H. B. No. 29.

Council resumed.

Mr. President in the chair.

The following report was received.

Mr. President:

Your Committee upon judiciary, to whom was referred C. B. No. 32, entitled a bill for an act to amend Sec., 507 of chapter 20, of the fifth division---general laws of the revised statutes, have considered the same and report it back to the Council with the recommendation that it pass.

CHAS. G. COX,
Chairman.

Upon motion of Hamilton C. B. No. 32 was put upon its final passage, the rules suspended the bill considered engrossed, and passed by the following vote.

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, White, Witter and Mr. President:—8.

No—Gillette, Morse and Thomas:—3.

Absent on leave, Mitchell, 1.

Title agreed to.

The following communication from the house was received:

HOUSE OF REPRESENTATIVES,
Helena, Feb. 12th, 1883.

Mr. President:

I am instructed by the house to request the Council to furnish papers of all facts connected with C. B. No. 9, that are in the possession of your body.

DAVID MARKS,
Chief Clerk.

Upon motion of Cardwell, Council adjourned until 11 A. M. tomorrow.

JAMES B. WELLS,
Chief Clerk.

FORTY-FOURTH DAY.

COUNCIL CHAMBER,
Helena M. T., Feb., 20th, 1883.

Council met, pursuant to adjournment, at 11 A. M.

Mr. President in the chair.

Roll called, quorum present.

Prayer by the chaplain.

Journal of yesterday read and approved.

Upon motion of Hamilton, Witter was granted leave of absence for this day.

The following report was received:

Mr. President:

Your committee on ways and means, to whom were referred C. B. No. 35, "A bill for an act in relation to county licenses," have had the same under consideration, and beg leave to report the same back, with the recommendation that it do pass.

MORRIS,
Chairman.

C. B. No. 35 was ordered engrossed.

The following report was received:

Mr. President:

Your committee on ways and means, to whom was referred H. B. No. 69, "An act to amend section 506 of chapter 19 of the 5th division of the revised statutes of Montana," have considered the same, and beg leave to report it back to the Council, and recommend that it do pass, with the following amendment: Amend by striking out all of section 1 after the word "procure" on the 15th line of said section, and insert in lieu thereof the following: "Suitable transportation for said child and such escort as may be necessary and required for the safe transportation to and from said institution, and certify the same up to the auditor, who shall draw his warrant on the Territorial treasurer for said amount.

MORRIS,
Chairman.

Amendment proposed by committee on ways and means to H. B. No. 69 was adopted, and said amendment ordered engrossed.

The following report was received:

Mr. President:

Your committee of the whole, to whom was referred House Bill No. 28, have instructed me to report the same back to the Council, with the recommendation that the bill as amended do pass.

W. E. BASS, Chairman.

The amendment offered by committee of the whole to H. B. No. 28 was adopted, and the amendment ordered engrossed.

The following report was received :

Mr. President:

Your committee of the whole, having under consideration H. B. No. 40, "An act concerning the compensation of county assessors," have instructed me to report the same back to the Council, with the following amendment, and as amended, to recommend that it do pass.

Amend by striking out " $\frac{3}{4}$ of one mill," where it occurs, and insert "one mill" in lieu thereof.

MORRIS,
Chairman.

The amendment presented by the committee of the whole to H. B. No. 40 was adopted, and the amendment ordered engrossed.

The committee upon education and labor reported as follows :

Mr. President:

Your committee on education and labor, to whom was referred Council Bill No. 36, "A bill in relation to the law division of the Montana library," have considered the same, and recommend the passage of the same.

GILLETTE.

C. B. No. 36 was ordered engrossed.

The following report was received :

Mr. President :

Your select committee to whom was referred H. B. No. 80, "A bill for an act to repeal an act entitled an act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri River, at or near Fort Benton to Helena, and to repeal an act entitled an act to facilitate the construction of the Helena and Benton Railroad," have considered the same, and recommend that it do pass.

HAMILTON.

The following bills were introduced :

By Chessman—C. B. No. 37, "An act to provide for the levy and collection of street taxes in incorporated towns and cities." The bill was read first and second time, and referred to the committee upon towns and counties.

By Hamilton—C. B. No. 38, "An act supplemental to an act entitled an act to enable the county of Choteau to erect a jail, approved February 22d, A. D. 1881." The bill was read first and second time, and referred to the committee upon towns and counties.

The following communication from the House was received :

HOUSE OF REPRESENTATIVES,
Helena, M. T., Feb. 19th, 1883.

Mr. President :

I am instructed by the House to inform your honorable body that notices of the introduction of bills were given as follows:

By Kanouse—"A bill to amend the code of civil procedure."

By Wallace—"A bill in relation to fees of probate judge."

Bills were introduced as follows:

By McAdow—H. B. No. 90, "An act to protect the cattle."

By Kanouse—H. B. No. 91, "A bill for an act to provide for collection of special road tax."

By Baker—H. B. No. 92, "A bill for an act to provide for the Fort Benton fire department."

By Batten—H. B. No. 93, "An act in relation to insolvent debtors."

By the Committee on Mines and Minerals—H. J. R. No. 7, "Making appropriation for the Denver Exposition."

By Comly—H. J. R. No. 8, "To provide for the care of orphans."

The Speaker signed House Bills Nos. 11 and 39.

H. B. No. 19 was placed on its final passage and lost.

House Bills Nos. 43, 51, 58 and 64, and H. J. R. No. 7, have passed the House, and are herewith transmitted.

DAVID MARKS,
Chief Clerk.

The following report was received.

Mr. President:

Your committee on engrossment, to whom was referred House Bill No. 40, and House Bill No. 69, beg leave to report amendments to each of said bills correctly engrossed.

W. E. BASS,
Chairman.

The committee upon judiciary reported as follows:

Mr. President :

Your committee to whom was referred H. B. No. 68, entitled "A bill to amend chapter 20 of the fifth division general laws of the revised statutes of Montana, relating to divorce, have considered the same, and report the bill to the Council with the recommendation that it do not pass.

CHAS. G. COX, Chairman.

Upon motion of Cox, H. B. No. 71, which had been made the special order for 2 P. M. this day, was postponed until 11.30 A. M. to-morrow.

On motion of Cox, Council adjourned until 11 A. M. to-morrow.

JAMES B. WELLS,
Chief Clerk.

FORTY-FIFTH DAY.

COUNCIL CHAMBER,
Helena M. T., Feb., 21, 1883.

Council met pursuant to adjournment at 11 A. M.

Mr. President in the chair.

Roll called, all members present.

Prayer by the chaplain.

Journal of Yesterday read and approved.

The following reports were received :

Mr. President:

Your committee on mines and minerals, to whom was referred C. B. No. 23, "An act concerning record of placer mining locations," have examined the same and report the bill back, with the recommendation, that it do pass.

WITTER, Chairman.

Mr. President :

Your committee on towns and counties, to whom was referred C. B. No. 38, "An act, entitled an act, to enable the county of Choteau to erect a jail, have had the same under consideration and report the bill back with the recommendation that the bill do pass."

CARDWELL,
Chairman.

C. B. No. 38 was ordered engrossed.

The following report was received :

Mr. President

Your committee of the whole, to whom was referred, substitute for House Bill No. 34, "An act, to amend an act, relative to bounty for killing certain animals," have instructed me to report the same back, with the recommendation that it do pass.

WHITE,
Chairman.

Upon motion of White, the report of the committee of the whole, was adopted, and Council substitute for H. B. No. 34 was ordered engrossed.

The committee on judiciary, reported as follows :

Mr. President :

Your committee on judiciary, to whom was referred C. B. No. 24, "An act defining the crime of Polygamy and providing for the punishment thereof."

Also, H. B. No. 77, "An act to amend Sec's., 389 and 390, of the criminal practice act," have had the same under consideration, and

beg leave to report them back with the recommendation that they do pass.

CHAS. G. COX,
Chairman.

Mr. President:

Your committee on judiciary, to whom was referred C. B. No. 18, "An act to amend Sec's., 515 and 529, and to repeal Sec., 528 of chapter 21, of the 5th division of the revised statutes," have had the same under consideration, and beg leave to report it back, with the recommendation that it do not pass.

Cox,
Chairman.

Mr. President:

Your committee on judiciary to whom was referred, H. B. No. 56, have considered the same, and beg leave to report it back, with the recommendation that it do pass, it being "A bill relative to the jurisdiction of justice courts."

C. G. Cox,
Chairman.

Mr. President:

Your committee upon judiciary, to whom was referred C. B. No. 12, entitled an act in relation to licenses, have considered the same, and report it back to the Council, with the recommendation that it pass.

C. G. Cox,
Chairman.

Mr. President:

Your committee on judiciary, to whom was referred C. B. No. 29, "A bill for an act, to amend an act concerning stenographers," have had the same under consideration, and beg leave to report it back, with the recommendation that it do pass.

Also, H. B. No. 63, "A bill for an act to amend the code of civil procedure, relating to contempts," reported back, and recommend its passage.

Cox,
Chairman.

To the Honorable Mr. President:

Your committee upon judiciary, to whom was referred H. B. No. 8, entitled an act to provide for the funding of the outstanding indebtedness of Dawson county, report the same to the Council, with the following amendments:

Amend section 2, by striking out the words "fifty one hundred," "and in the sixth line of said section."

And that said bill, as amended, is recommended for passage.

C. G. Cox,
Chairman.

Upon motion of Cox, all bill referred to, in the above report of the judiciary committee were referred to the committee of the whole and made the special order for Friday next, at 2.30: P. M.

The following report was received :

Mr. President:

Your committee on education and labor, to whom was referred, House Bill No. 47, "An act to authorize School Trustee to issue bonds to build school house, have considered the same and recommend its passage with the accompanying amendment.

GILLETTE.

Upon motion of Cox, H. B. No. 47 with amendment purposed by committee on education and labor, was referred to committee of the whole, and made special order for 2.30: P. M. Friday next.

The following reports were received :

Mr. President :

Your committee on engrossment, to whom was referred, Council amendment to substitute for House Bill No. 28 and Council Bill No. 35, beg leave to report the same correctly engrossed.

W. E. BASS,
Chairman.

Mr. President:

Your committee on enrollment, beg leave to report that Council Joint Memorial No. 1, "relative to the reduction of the Military Reservation of Fort Keogh," is correctly enrolled.

MITCHELL.

Mr. President :

Your Joint committee on enrollment, beg leave to report that House Bills Nos, 45 and 57, "An act concerning oaths of office," an act concerning the jurisdiction of the supreme court, were presented to the governor on February., 17th, 1883, at 2 P. M.

MITCHELL,
Chairman.

The following report was received.

Mr. President:

Your select committee to whom was referred, H. B. No. 65, a bill for an act, to amend an act, entitled an act to incorporate the town of Butte, have examined the same, with the accompanying petition and beg leave to report the same back, with the following amendments: Strike out all of the bill numbered Sec., 1, and the words, "who shall pay a property tax," in Sec., two. And as amended the bill do pass.

WITTER, Chairman.

Upon motion of Witter, the report of the select committee was adopted, the rules suspended, the amendments proposed by said

committee, considered engrossed and H. B. No. 65, filed for third reading.

H. J. R. No. 7, "Making appropriation for the Denver Exposition," was read first and second time, and referred to the committee on ways and means.

H. B. No. 43, "An act, to amend an act to provide for the payment of stock killed or injured by railroads," was read first and second time, and referred to the committee on grazing and stock growing.

H. B. No. 58, "A bill concerning the storage of powder," was read first and second time, and referred to the committee upon military Affairs

H. B. No. 51, "A bill for an act to amend Sec., 10 of the 5th division of the revised statutes," was read first and second time, and referred to the committee upon incorporations.

H. B. No. 64, "An act concerning the change of names of persons," was read first and second time, and referred to the committee upon education and labor.

Council resolved itself into committee of the whole, Mitchell in the chair, to consider H. B. No. 71.

Council resumed.

Mr. President in the chair.

Mitchell, chairman committee of the whole, reported back, H. B. No. 71 recommending passage of the same.

H. B. No. 71 was read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Thomas and Mr. President:—8.

No—Gillette, Morris, White and Witter: 4.

Title agreed to.

Upon motion of Mitchell, recess was taken until 2 p. m.

2 p. m. Council resumed.

Mr. President in the chair.

Roll called, quorum present.

H. B. No. 40 was upon motion of Mitchell recommitted to the committee of the whole, and made a special order for 2.30 p. m. Friday next.

H. B. No. 28 was read third time, and passed as amended by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

H. B. No. 65 was upon motion of White re-referred to select committee originally having said bill in charge.

H. B. No. 68 was upon motion of Cox referred to the committee of the whole, and made a special order for 2.30 p. m. Friday next.

H. B. No. 69 was read third time and passed as amended by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

H. B. No. 80 was read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

C. B. No. 23 was read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

C. B. No. 35 was read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—11.

No—Gillette: 1.

Title agreed to.

Witter introduced C. B. No. 39, "An act defining the boundary lines of Silver Bow county," which was read first and second times, and referred to the committee upon towns and counties.

Mr. President called Cardwell to the chair, and introduced, without previous notice, by unanimous consent, C. B. No. 40, "An act to fix the salary of the treasurer of Silver Bow county." The bill was read first and second time, and upon motion of Witter indefinitely postponed.

White introduced C. B. No. 41, "An act to apportion the members of the Legislative Assembly," which was read first and second time, and referred to the committee upon towns and counties.

The following communication from the House was received:

HOUSE OF REPRESENTATIVES,
Helena M. T., February 20th, 1883.

Mr. President:

I am directed by the House to inform your honorable body that Clutter gave notice of the introduction of "A bill to regulate the practice of medicine in Montana Territory."

Bills were introduced as follows:

By Forbis—H. B. No. 94, "A bill providing for the service of process in criminal cases upon corporations." Ordered printed.

By Wallace—H. B. No. 95, "An act prescribing the fees of probate judge." Ordered printed.

By Settle—H. B. No. 96, "An act concerning building associations."

By Kanouse—H. B. No. 97; "A bill for an act to amend the code of civil procedure."

House Bills 37, 53, 55, 60 and 92 have passed the House, and are herewith transmitted..

DAVID MARKS,
Chief Clerk.

Upon motion of White, Council went into executive session with closed doors.

Council resumed with open doors, and the clerk was instructed to note upon the journal that the Council in executive session had confirmed the Governor's nomination of Cornelius Hedges as Superintendent of Public Instruction of the Territory of Montana, and of Joseph P. Woolman as Territorial Auditor.

H. B. No. 37, "An act concerning the organization of the Legislative Assembly," was read first and second time, and referred to the committee upon elections.

H. B. No. 53, "A bill for an act entitled an act to amend section 1007 of the fifth division of the revised statutes of Montana," was read first and second time, and referred to the committee upon judiciary.

H. B. No. 55, "A bill for an act to prohibit the sale of firearms and ammunition to minors," was read first and second time, upon motion of Mitchell amended, amendment adopted, rules suspended, amendment considered engrossed, the bill read a third time, and passed as amended by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

H. B. No. 60, "A bill concerning assessments upon the stock of corporations, was read first and second time and referred to the committee upon incorporations.

H. B. No. 92, "An act to provide for the Fort Benton Fire department," was read first and second time and referred to the committee upon incorporations.

The motion of Hamilton to adjourn to 11 A. M. Friday next was lost.

White's motion to adjourn to 11.05 A. M. same day was also lost.

Cardwell moved adjournment to 11 A. M. Friday next. Lost.

The motion of Mitchell to remove H. B. No. 92 from committee upon incorporations and transfer same to committee upon federal relations, was lost.

The motion of Hamilton, amended by Mitchell, to adjourn until 11 A. M. Friday next prevailed, and Council adjourned.

JAMES B. WELLS,
Chief Clerk.

FORTY-SEVENTH DAY.

COUNCIL CHAMBER,
Helena M. T., February 23d, 1883.

Council met pursuant to adjournment at 11 o'clock A. M.

Mr. President in the chair.

Roll called, all members present.

Prayer by the chaplain.

Journal of Wednesday read, corrected and approved.

Petition from the citizens of Meagher county, relative to erection of school house in school district No. 8, received and referred to member from said county.

The following reports were received:

Mr. President:

Your committee on engrossment, to whom was referred, Council Bill No. 38, and Council substituted for House Bill No. 34, beg leave to report the same correctly engrossed.

W. E. BASS,
Chairman.

Mr. President:

Your committee on ways and means, to whom were referred H. J. R.—Making appropriation for the Denver Exposition, have duly considered the same and report it back, with the recommendation that it do pass.

MORRIS,
Chairman.

Mr. President:

Your joint committee on enrollment, beg leave to report that House Bill No. 26, was presented to the governor on Feb., 3d, 1883, at 12.15: P. M.

MITCHELL,
Chairman.

Mr. President:

Your committee on enrollment, beg leave to report that House Bills Nos. 10, 11, 12, 21, 22, 27, 32, 36, 39, 42, 44, 46 and 57 are correctly enrolled.

MITCHELL,
Chairman.

Mr. President:

Your committee on towns and counties, to whom was referred, H. B. No. 7, an act to create the county of Yellowstone and for the election of officers thereof, have had the same under consideration, and report the bill back, with the recommendation that it do pass.

CARDWELL,
Chairman.

Mr. President:

Your select committee, to whom were recommitted H. B. No. 65, have had the same under consideration, and beg leave to report the bill back, with the following recommendation, viz: That the bill be amended by substituting therefor the accompanying bill, and as amended it do pass.

WITTER,
Chairman.

The report of the select committee relative to H. B. 65 was adopted and the amendment offered, and said bill made special order for committee of the whole.

Notices of the introduction of bills were given as follows:

Mr. President

I hereby give notice that I will to-morrow or some future day, introduce a bill entitled an act to repeal section 942, of the fifth division of the revised statutes.

THOMAS.

Mr. President:

I hereby give notice, that on to-morrow or some subsequent day, I will introduce a bill for an act, to amend an act, entitled, "An act to prescribe the fees of jurors and witnesses in the Probate and Justice's Court."

MITCHELL.

Mr. President announced that he was about to sign C. J. M. No. 1. Hamilton introduced, C. J. M. No. 2, "Concerning the treatment of Indians, and depredations committed by them upon settlers and their property," which was read first and second time, and upon motion of Mitchell, the rules were suspended, the memorial considered engrossed, read a third time, put upon its final passage, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

The following communication from the house was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., Feb. 21st, 1883.

Mr. President:

I am directed by the house, to inform your honorable body:

That, Mantle gave notice of the introduction of a bill for "An act looking to the creation of a mining commission whose duty it shall be to foster encourage aid and protect the mining industry, with power to draw on the Territorial Treasury for a sum not to exceed thirty-five thousand dollars per. annum.

Bills were introduced as follows :

By Batten—H. B. No. 98, "An act to provide for the rights of property levied upon and claimed by third parties and others."

By McAdow—H. B. No. 99, "An act in relation to Territorial and County officers."

By Mantle—H. B. No. 100, "A bill for an act concerning disincorporations."

By Armstrong—H. B. No. 101, "A bill for an act relating to estrays."

By Allen—H. J. M. No. 7, "Asking the congress of the United States for the passage of an act, to enable persons to perfect their title who have settled upon land in the Territory of Montana," embraced within the grant of lands to the North Pacific Railroad Company, and made valuable improvements thereon, so embraced and designated in the resolution of said company bearing date, November 19th, 1879

Bills, 98, 99 and 101 were ordered printed,

H. Bills, 29 and 41 were read a third time and lost.

H. Bills 20, 61, 66 and 90 and C. B. No. 31, have passed the house and are herewith transmitted.

DAVID MARKS,
Chief Clerk.

House amendments to, C. B. No. 31 were concurred in by Council.

H. B. No. 61, "An act regulating Insurance Companies," was under suspension of the rules, read first and second time by title, and placed upon the general orders.

Substituted for, H. B. No. 20, "An act concerning the publication of summons," was read first and second time, and referred to the committee upon judiciary.

H. B. No. 66, "A bill providing for the punishment of persons obstructing railroads," was read first and second time, and referred to the committee upon judiciary.

H. B. No. 90, "An act to protect the cattle interest," was read first and second time, and referred to the committee upon grazing and stock growing.

H. J. R. No. 7 was read third time and passed by the following vote:

Aye---Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President :---12.

No---

Title agreed to.

H. B. No. 7 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President :—11.

No—Cox :—1.

Title agreed to.

Upon motion of Mitchell, recess was taken until 2 p. m.

2 P. M. Council resumed.

Mr. President in the chair.

Roll called, quorum present.

Council substituted for H. B. No. 34 was taken up for third reading and placed upon the general orders.

C. B. No. 38 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Thomas, White, Witter and Mr. President:—11.

No—

Absent, Morris, 1.

Title agreed to.

Council resolved itself into committee of the whole, Cox in the chair, for the consideration of the general orders.

Council resumed, Mr. President in the chair.

Mr. President announced that he was about to sign C. B. No. 31.

Upon motion of Cox, Council adjourned until 10 A. M. to-morrow.

JAMES B. WELLS,
Chief Clerk.

FORTY-EIGHTH DAY.

COUNCIL CHAMBER,
Helena M. T., Feb., 24, 1883.

Council met pursuant to adjournment at 10 A. M.

Mr. President in the chair.

Roll called, all members present.

Upon motion of Mitchell, the chaplain was granted leave of absence for the day.

Journal of yesterday read and approved.

The following report was received:

To the Honorable Mr. President:

Your committee of the whole beg leave to report that it has considered H. B. No. 61, and report the same back to the Council with the recommendation that it be referred to the committee upon judiciary.

And that it has proceeded to the consideration of the other business referred to it, and risen, and asks leave to sit again.

C. G. Cox,
Chairman.

Thomas introduced C. B. No. 42, "An act to repeal section 942 of the fifth division of the revised statutes," which was read first and second time, and referred to the committee upon judiciary.

The following communication from the House was received:

HOUSE OF REPRESENTATIVES,
Helena M. T., Feb. 23d, 1883.

Mr. President:

I am instructed by the House to inform your honorable body that the House has concurred in Council amendments to House Bills 55 and 69.

Bills were introduced as follows:

By Hickman—H. B. No. 102, "An act to amend an act entitled an act to incorporate the city of Virginia, approved December 30th, 1864."

By Settle—H. B. No. 103, "An act to encourage the construction of artesian wells in the Territory of Montana."

The Speaker signed four copies of C. J. M. No. 1.

House Bills 87, 100 and 102 have passed the House and are herewith transmitted.

C. J. R. Nos. 5 and 6, C. Bills 9, 15 and 33 have passed the House, and are herewith transmitted.

C. C. R. No. 2 as amended and C. B. No. 10 as amended, have passed the House, and are herewith transmitted.

DAVID MARKS,
Chief Clerk.

House amendments to C. C. R. No. 2, were upon motion of Mitchell concurred in.

House amendment to C. B. No. 10 was upon motion of White also concurred in.

C. Bs. Nos. 9, 10, 15 and 33, C. J. Rs. Nos. 5 and 6, and C. C. R. No. 2 were ordered enrolled.

The following report was received:

Mr. President:

Your committee on ways and means, to whom was referred C. B. No. 21, "A bill for an act to amend an act entitled an act to provide compensation for deputy clerks of the district courts," have considered the same, and beg leave to report it back, recommending its passage, with the following amendments: Amend Section 1 of the revised statutes approved July 22; A. D. 1879, so as to read "Gallatin" in place of Madison, and to read "eight hundred and twenty-five dollars as the yearly salary of said clerk for Gallatin county."

Amend section 2 of the revised statutes, approved February 23, A. D. 1881, to read "Madison" in place of "Gallatin," the salary of said clerk of Madison county to be \$650, of Missoula county \$650, of Beaverhead county \$650, of Jefferson county \$450, of Custer county \$650, of Meagher county \$400, of Choteau county \$500.

MORRIS,
Chairman.

Upon motion of Cox C. B. No. 21 was, together with amendments offered by committee on ways and means, placed upon the general orders.

H. B. No. 87, "A bill to amend section 348 of the fifth division of the revised statutes of Montana, relative to county commissioners," was read first and second time, and referred to the committee upon judiciary.

H. B. No. 100, "A bill for for an act concerning disincorporations," was read first and second time, and referred to the committee upon judiciary.

H. B. No. 102, "An act to amend an act entitled an act to incorporate the city of Virginia, approved Dec. 30, 1864," was read first and second time, and referred to the committee upon elections.

The following report was received :

Mr. President:

Your committee upon grazing and stock growing, to whom was referred House Bill No. 43, "An act to amend an act to provide for the payment of stock killed or injured by railroads," have had the same under consideration, and recommend its passage.

GILLETTE,
Chairman.

H. B. No. 43 was read third time, and upon motion of Cox placed upon the general orders.

Mr. President announced that he was about to sign H. Bs. Nos. 55, 71 and 80, and O. B. No. 31.

The following report was received.

Mr. President:

Your select committee, to whom was referred H. J. R. No. 2, "Providing for a Constitutional Convention," have considered the same, and report it back to the Council, with the recommendation that it be referred to the committee of the whole.

CHAS. G. COX,
Chairman.

The report of the select committee was adopted, and H. J. R. No. 2 was placed upon the general orders.

Upon motion of Chessman Council went into committee of the whole, White in the chair, for the consideration of the general orders. Council resumed.

Mr. President in the chair.

Upon motion of Witter, recess was taken until 2 P. M.

2 P. M. Council resumed.

Mr. President in the chair.

Roll called, quorum present.

White, by unanimous consent, presented a petition from citizens of Beaverhead county relative to stock killed by the Utah Northern railroad.

The petition was referred to the committee upon grazing and stock growing.

The following report was received.

Mr. President:

Your committee of the whole, to whom was referred substitute for H. B. No. 65, "A bill for an act to amend an act entitled an act to incorporate the town of Butte," beg leave to report the same back with the following amendments:

Strike out in section 22, in the second and third line of said section, the following words after the word officer, "and to provide by ordinance for the registration of voters."

And as amended recommend that it do pass.

WHITE, Chairman.

Upon motion of Mitchell, call of the House was ordered.

Roll called, absent Cox.

Upon motion of Hamilton, further proceedings under the call were dispensed with.

Mitchell moved the adoption of the report of the committee of the whole, relative to H. B. No. 65. Lost.

Upon motion of Witter the report of the committee of the whole relative to H. B. No. 65 was adopted, without the amendment offered, and said bill was ordered filed for third reading.

The following report was received:

Mr. President:

Your committee of the whole, to whom was referred C. B. No. 29, "An act relating to stenographers," have instructed me to report the same back, with the recommendation that it be recommitted to the committee on ways and means.

WHITE,
Chairman.

Upon motion of Witter the report of the committee of the whole relative to C. B. No. 29 was adopted, and C. B. No. 26 was recommitted to committee upon ways and means.

The following report was received:

Mr. President:

Your committee of the whole, to whom was referred substitute for H. B. No. 34, "An act to amend an act relative to bounty for killing certain animals," have instructed me to report the same back, with the recommendation that it be recommitted to the committee on grazing and stock growing.

WHITE,
Chairman.

Upon motion of Mitchell the report was adopted, and substitute for H. B. No. 34 was referred to the committee on grazing and stock growing.

The following report was received :

Mr. President :

Your committee on ways and means, to whom was referred H. B. No. 54, have considered the same, and beg leave to recommend the accompanying substitute do pass, in place of same.

MORRIS,
Chairman.

Upon motion of White, the substitute was adopted.

Upon motion of Bass, the rules were suspended, the substitute considered engrossed, read a third time and passed by the following vote :

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

Upon motion of White, the Chief Clerk was excused for the remainder of the day on account of sickness.

Upon motion of Chessman Council resolved itself into committee of the whole, with Bass in the chair, to consider the general orders.

Council resumed

Mr. President in the chair.

The following communication was received :

TERRITORY OF MONTANA,
Helena, Feb., 23d, 1883.

To the Council :

I have the honor to inform you, that, I have this day approved Council Bill No. 31, entitled, "An act to provide for the care and maintenance of Territorial Convicts," also, Council Joint Resolution No. 2, entitled, "A Resolution expressive of the same of the Legislative, upon the assassination of President Garfield."

I am, Very Respectfully,

Your Obed't Servant,
JNO. SCHUYLER CROSBY, Governor.

Upon motion of Mitchell, Council resolved itself into committee of the whole, Hamilton in the chair to consider the general orders.

Council resumed, Mr. President in the chair.

Upon motion by Mitchell, the Council adjourned until 11 A. M. Monday February 26th, 1883.

JAMES B. WELLS,
Chief Clerk.

FIFTIETH DAY.

COUNCIL CHAMBER,
Helena M. T., Feb., 26th, 1883.

Council met, pursuant to adjournment, at 11 A. M.

Mr. President in the chair.

Roll called, all present.

Prayer by the chaplain.

Journal of yesterday read and approved.

The following communication was received:

CLEVELAND OHIO.

Feb., 7th, 1883.

Dear Sir :

Pray, except my thanks for the copy of resolutions forwarded by you from the Legislature of the Territory of Montana ; also, do I ask that my gratitude be expressed to the members of this Council, for the tribute of love and respect paid to the memory of General Garfield.

Very Truly Yours,

LUCRETIA R. GARFIELD.

Mr. JAMES B. WELLS, Helena Montana.

The following communication from the governor was received :

EXECUTIVE OFFICE,

Helena Feb., 23d, 1883

To The Council and House of Representatives :

Since my first message, circumstances of such gravity have arisen, as to require, in my opinion, your special consideration.

On the 22d, inst. complaints were made to me of official corruption and neglect of duty, on the part of the Board of County Commissioners of the county of Custer. It was represented to me that one (or two) of the members of the board were not residents of Montana, that the plainest duties were neglected, and I was solicited by a large body of citizens to remove the delinquents in order to protect the county from inexcusable extravagance and even shameless plunder. The evidence, as presented to me by the Deputy Sheriff of the county, is herewith submitted. On this appeal so strongly fortified by respectable names, as to excite my grave solicitude for the tax payers and our good name as a Territory, I consulted the attorney general as to the power of the executive, to remove county officers, for gross malfeasance, and was advised by him, in the letter herewith submitted, that no such authority is visited in the executive by the laws of this Territory.

Inasmuch as it is made the duty of the executive to see that the laws are obeyed, the necessity of some correlative power seems to require no proving—as I well know that your desire, that all

officials should do their duty, is not surpassed by my own, I believe you will not be willing to adjourn your session, without providing some prompt remedy for gross malfeasance or neglect by county officers. The power of suspension or removal for just cause should be lodged where it can be effectively, promptly, honestly used for the public welfare, independently of personal, sectional or political considerations. I very respectfully, leave the matter in your hands, but ask, with no small solicitude for your immediate action to supply what I think is an unusual omission in State or Territorial Legislation.

I am Very Respectfully
Your Obed't, Servant,
JNO. SCHUYLER CROSBY,
Governor.

To The Honorable J. Schuyler Crosby, Governor of Montana, Sir :

The undersigned citizens and tax payers of Custer County Montana, respectfully represent:

That in the fall of 1882 one, James B. Hubbell, was appointed to the office of county commissioner of this county, by Charles Walker, Probate Judge of said county.

At the subsequent November election 1882, said Hubbell was a candidate for election to the same office and was declared by the returning board—himself at the head of such board—to be elected; but he has never qualified under such election, nor filed any official bond, but is pretending to hold the said office by virtue of his former appointment.

But independent of any questions of how he came into possession of said office, or by what tenure or pretended tenure he is holding the same, we respectfully state, that said Hubbell is not a resident of Custer County Montana, and in support of the allegation that he is not such resident, we beg to call your attention to the affidavits of some of our respected citizens, which are herewith presented for your consideration. Said Hubbell and his family reside in the city of St. Paul, in the State of Minnesota, at the street and number of the street in that city, stated in the affidavit of William H. Bullard Esq. He has not been present in Miles City of Custer county, for a long time to wit: for the space of two months.

But has been as we are informed by our citizens who have met him there continually at the said city of St. Paul. We therefore respectfully ask, that you will on the facts herewith presented, see that the laws of this Territory are executed and that the said office of County Commissioner held by the said James B. Hubbell be declared vacant.

And if we may be allowed to emphasize the demand for this office being declared vacant, we will state a few facts in support of it.

1. Owing to the fact that said Hubbell is constantly in St. Paul—and one of the other county commissioners, Briggs, is constantly there with him—no meeting has been held by the commissioners of this county to levy any taxes for the present year, and no such taxes have been levied.

2. At a meeting of the citizens of this place held yesterday, a committee was appointed to look into the fraud and extravagance which it was reported on every hand, was being perpetrated by the commissioners of this county; and by that committee it was found that county warrants to the number of about fifty had been signed in blanks by said Hubbell as chairman of the county board and left with their clerk to be filled with what amounts no one knows.

3. Beside, the clerk of said board is going on, as he claims under the verbal instructions of said Hubbell and one other of the board, to build a vast number of utterly useless and worthless bridges out of cotton wood lumber, purchased from said Hubbell, the bills for which he may be relied upon to audit and allow, when it may suit his convenience to come up from St. Paul for that purpose.

4. They have issued orders on the county treasurer in large sums, to themselves, on one occasion at a special meeting the past year, when Hubbell and Briggs alone were present an order was on motion of Hubbell, issued to Briggs to the amount of four thousand five hundred dollars, for the avowed object of purchasing furniture for our new Court House. At another time this same Briggs had another order issued to him for one thousand one hundred dollars for the same purpose. Nothing has been heard from either warrants or furniture since. The other commissioner has had warrants issued to him in large amounts.

But without going further into details we state our belief, that a condition of things exists here with the county commissioners, with James B. Hubbell at their head which is without a parallel any where. The result will be if it cannot be arrested, a bankrupted and ruined county.

We believe, and in making these representations to you, are acting upon the belief, that in case of a non-resident person holding office in this Territory, the duty devolved upon the executive to declare such office vacant.

Respectfully Submitted,

[*Signed.*]

C. B. Towers,
W. E. Savage,
D. W. Ringer,
G. Mitchell,
Benjamin W. Ladd,
Samb OConnell,
W. N. McQueen,
W. I. Logan, U. S. A.
Addison Myers,
Goerge Thomas,
Thos. J. Bryan,
Isaac Silverman,
M. Borchardt,
John J. Graham.
Andrew F. Burleigh,
C. H. Strevell,

Walter Burlingh, jr.
Wm. Van Gasken,
M. Brandruburg,
J. W. Strevell,
James H. Gurlock,
W. H. Bullurd,
H. C. Burgard,
R. G. Read,
M. M. Russell,
C. W. Savage & Sons,
G. W. Savage,
L. J. Whitney,
J. Basinski & Brothers,
C. H. Gould,
E. A. Karidler,

MILES CITY, M. T.,
February 17th, 1883.

Dear Sir :

I take pleasure in introducing Mr. Thomas Irwin, a personal friend of mine, who will be in your city for a short time. Possibly he may have some official business with the Executive. Any courtesies extended will be appreciated both by himself and

Yours Truly,
JOHN H. STRADER.

Gov. J. SCHUYLER CROSBY, Helena, M. T.

TERRITORY OF MONTANA, }
County of Custer, } ss

William H. Bullard, being first duly sworn, on oath deposes and says: Am a resident of Miles city, county of Custer, Territory of Montana. I know James B. Hubbell, the man who was appointed by Charles Walker county commissioner in the fall of 1882, and I have known said Hubbell for a long time. At the time of his appointment as county commissioner for this county, he, the said Hubbell, was in some way connected with the firm of Broadwater, Hubbell & Co., which firm ceased to exist here in the fall of 1882. Hubbell had been here most of the time previous to the closing up of said firm, but his family never resided in Custer county.

Since the closing up of the firm which I have before named, said Hubbell has been, as I understand, nearly all the time at St. Paul, Minnesota.

In a conversation which I had with him some three months ago, he, said Hubbell, stated to me that he resided at No. 96 Arundel street, St. Paul, and invited me to call on him at his residence there if I had any business with him. At the time he told me his residence he took my memorandum book and wrote his address and the place of his residence in the book I gave him. I append what he wrote and gave me as his place of residence to this affidavit.* The paper with said Hubbell's name in pencil hereto attached is the paper I allude to.

I have not the remotest idea that James B. Hubbell, the person now holding the office of Chairman of the Board of County commissioners of Custer county, is at this time a resident of said Custer county, or of the Territory of Montana. He himself told me the contrary, and told me his residence was in St. Paul, at the place I have already stated.

W. H. BULLARD.

Subscribed and sworn to before me, this 16th day of February, 1883,

J. W. STREVELL, Notary Public.

*J. B. Hubbell, 96 Arundel street, St. Paul.

TERRITORY OF MONTANA, }
County of Custer, } ss

Edward A. Kreidler, being first duly sworn, on oath says: I am

the Register of the United States land office at Miles city, Montana, and reside at this place. I know James B. Hubbell, the person who is said to be chairman of the Board of County Commissioners of Custer county.

I was in the city of St. Paul, Minnesota, recently, perhaps six weeks ago, and met said Hubbell there. He invited me, with some other gentlemen, to dine with himself and family at his residence in St. Paul. I did so dine with him while I was there, at the time I have mentioned. His residence was, I think, at 96 Arondel street, in that city. He told me about the property on which he resided, and improvements, changes, &c. he was making or going to make in relation to it. I would certainly suppose that said Hubbell's residence was in the city of St. Paul, if any body resides in St. Paul.

E. A. KREIDLER.

Subscribed and sworn to before me, this 16th day of February, 1883.

J. W. STREVELL, Notary Public.

TERRITORY OF MONTANA, }
County of Custer, } ss

Thomas J. Bryan, being first duly sworn, on oath says: I am a resident of Miles city, county of Custer, Territory of Montana. I know James B. Hubbell, the person now acting as chairman of the Board of County Commissioners of this county. I know it is generally understood here that said Hubbell is in St. Paul, Minnesota. I do not know at what place in St. Paul he resides, but I do know that said Hubbell is not here in Custer county, and has not been here this year.

THOMAS J. BRYAN.

Subscribed and sworn to before me this 16th of February, 1883.

J. W. STREVELL, Notary Public.

HELENA, MONTANA,

February, 22d, 1883.

Dear Sir:

In reply to your letter of inquiry of this date, I have the honor to state that there is no provision in the statutes of Montana conferring the power of removal or suspension of county officers upon the Governor. The power may be exercised by the board of county commissioners in certain cases—revised statutes, page 296, section 61. The only power given to the Governor over the matter is to be found on page 323, sections 554, 555.

Very Respectfully,

J. A. JOHNSTON,

District Attorney, 3d Judicial District.

HIS EXCELLENCY, GOVERNOR CROSBY.

The motion of Cox to lay the above communications, together with accompanying papers, upon the table, was lost, and upon motion of White the same was referred to a select committee consisting of White, Morris and Cox.

Mr. President announced that he was about to sign C. C. R. No. 2, C. J. R. No. 5, C. J. R. No. 6, C. Bs. Nos. 9, 10 and 2, H. B. No. 7, and H. J. R. No. 7.

The following report was received :

Mr. President

Your committee on enrollment beg leave to report that C. B. No. 10, C. J. R. No. 6, C. J. R. No. 5, C. B. No. 2, House Bill No. 7, C. C. R. No. 2, are correctly enrolled.

MITCHELL,
Chairman.

Upon motion of Mitchell recess was taken until 2 P. M.

2 P. M. Council resumed.
Mr. President in the chair.
Roll called, quorum present.

The following report was received :

Mr. President :

Your committee of the whole, to whom was referred Council Bill No. 12, House Bill No. 77 and House Bill No. 8, beg leave to report that they have considered the same, and recommend the passage of Council Bill No. 12 and House Bill No. 77, and further recommend that House Bill No. 8 as amended do pass.

HAMILTON,
Chairman.

H. B. No. 8, with amendments offered, was referred to the committee upon Indian affairs.

C. B. No. 12 was filed for third reading, after motion of Mitchell to suspend the rule and consider the bill engrossed.

The following reports were received :

Mr. President :

Your committee on enrollment beg leave to report that C. B. No. 9, H. B. No. 33, H. B. No. 69, H. B. No. 71 and H. B. No. 80 are correctly enrolled.

MITCHELL,
Chairman.

Mr. President :

Your committee on ways and means, to whom was referred C. B. No. 29, "A bill for an act to amend an act concerning stenographers," beg leave to report the same back, with the following amendments, and recommend that with such amendments the bill do pass :

Amend C. B. No. 29 by striking out the word "Madison" on the last line of the first page, and insert the word "and" between the words "Silver Bow, Deer Lodge" on next to last line on first page. Also strike out the words, "and in Madison county such reporter shall receive an annual salary of two hundred and fifty dollars," commencing at the end of the eighth line, and ending at the beginning of the eleventh line of the second page. Also strike out the words "three hundred and fifty" in 8th line of 2d page before the word "dollars" on said line, and in lieu thereof insert the words "two hundred and fifty."

MORRIS,
Chairman.

Upon motion of White the above report was adopted, and C. B. No. 29 was ordered engrossed.

The following reports were received.

Mr. President :

Your committee on ways and means, to whom were referred H. B. No. 102, "An act to amend an act entitled an act to incorporate the city of Virginia, approved December 30th, 1864," have duly considered the same, and beg leave to report the bill back with the recommendation that it do pass.

MORRIS,
Chairman.

Mr. President :

Your committee on grazing and stock growing to whom was referred Council Bill 34, "An act in relation to wire fences," have duly considered the same, and respectfully recommend its passage, with the accompanying amendment.

GILLETTE,
Chairman.

C. B. No. 34 was upon motion of Hamilton recommitted to committee upon grazing and stock growing.

The following report was received.

Mr. President :

Your committee on military affairs, to whom was referred substitute for House Bill No. 58, "An act concerning the storage of powder," beg leave to report the same back with the recommendation that it do pass.

WHITE, Chairman.

Chessman introduced by unanimous consent, without previous notice, C. B. No. 43, "An act to incorporate the Helena Classical School." The bill was read first and second time. Upon motion of White the rules were suspended, the bill considered engrossed, read third time by title, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, White, Witter and Mr. President:—11.

No Thomas: 1.

Title agreed to.

The Committee upon ways and means, by unanimous consent, without previous notice, introduced C. B. No. 44, "A bill for an act to provide for the payment of board of Territorial convicts in county jails." The bill was read first and second time, and upon motion of Morris the rules suspended, the bill considered engrossed, read third time by title, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—11.

No—Cox:—1.

Title agreed to.

Hamilton introduced C. B. No. 45, "An act to incorporate the city of Fort Benton." The bill upon motion of Hamilton was under suspension of the rules read first and second time by title, and referred to the committee upon judiciary affairs.

Mitchell, by unanimous consent, without previous notice, introduced, C. B. No. 46, "A bill for an act to amend the code of civil procedure of the Territory of Montana," the bill was read first and second time, and referred to the committee upon judiciary.

Stewart, by unanimous consent, without previous notice, introduced, C. J. R. No. 7, "For increase of rates for public surveying," the memorial was read first and second time, and referred to the committee upon public lands.

The following resolution was offered by White.

Resolved

That a copy of the special message of the governor, relating the condition of public affairs in Custer county, together with copies of all other documents accompanying same, be transmitted to the house of representatives, and that, that body be requested to appoint a special committee of three, to act with a like committee which has been appointed by the Council, for the purpose of investigating and reporting upon the same.

WHITE.

The motion of Witter, to adopt the resolution was lost.

The following report of the judiciary committee was received:

Mr. President:

Your committee, to whom was referred H. B. No. 100, entitled a bill for an act concerning disincorporations, have considered the same and report it back, with the recommendation that it pass.

Also, C. B. No. 42, entitled an act to repeal section 942 of the fifth division of the revised statutes, and report it back with the recommendation that it do not pass.

Also, substitute for H. B. No. 20, entitled an act concerning the publication of summons, and report it back with the recommendation that it pass.

Also, H. B. No. 53, entitled, a bill for an act, entitled an act to amend section 1067 of the fifth division of the revised statutes of Montana, and report it back, with accompanying amendments, with the recommendation that the bill as amended pass.

Also, H. B. No. 87, entitled a bill to amend Sec., 348 of the fifth division of the revised statutes of Montana, relating to county commissioners, and report it back to the Council with the recommendation that it do not pass.

Also, H. B. No. 92, entitled an act, to provide for the Fort Benton Fire Department, and report it back to the Council with the recommendation that it do not pass.

C. G. Cox,
Chairman.

The amendments offered by committee, to H. B. No. 53, were adopted.

H. B. No. 92, was upon motion of Hamilton, referred to the committee upon incorporations.

The following communication from the House was received :

HOUSE OF REPRESENTATIVES,
Helena M. T., Feb. 24th, 1883.

Mr. President :

I am directed to inform your honorable body :
That, Bills were introduced as follows :

By Forbis—H. B. No. 104, "A bill to amend an act, entitled an act to create the County of Silver Bow and for the election of officers thereof."

By Batten---H. B. No. 105, "An act to incorporate the town of Missoula "

By Edwards—H. B. No. 106, "A bill for an act to punish persons unlawfully diverting water."

By Blake—H. J. R. No. 9, "Making appropriation for the law division of the Montana Library."

The speaker has signed H. Bills 55, 71, 69 and 80, also, C. J. B. No. 2 and C. B. No. 31.

H. J. R. No. 4 has passed the house and is herewith transmitted.

DAVID MARKS,
Chief Clerk.

H. J. R. No. 4, "To pay for wood cuts used in publishing marks and brands," was read first and second time, and referred to the committee upon ways and means.

B. C. No. 77 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Morris, White, Witter and Mr. President:—10.

No—Gillette and Thomas:—2.

Title agreed to.

C. B. No. 12 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, Witter and Mr. President :—10.

No—Cox and White :—2.

Title agreed to.

Council substitute for H. B. No 65. was read third time and passed by the following vote :

Aye—Cardwell, Chessman, Gillette, Morris, Thomas, White, Witter and Mr. President :—8.

No—Bass, Cox, Hamilton, Mitchell : 4.

Title agreed to.

Council resolved itself into committee of the whole, Morris in the chair, for the consideration of the general orders.

Council resumed. Mr. President in the chair.

Upon motion of Chessman, call of the House was ordered.

Roll called.

Absent, Gillette.

Sergeant-at-Arms ordered to seek absentee.

Upon motion of Morris further proceedings under call were suspended.

Mitchell, by unanimous consent, without previous notice, introduced C. B. No. 47, "A bill for an act relative to the procuring of licenses by persons who keep roller skating rinks." The bill was read first and second time, and referred to the committee upon ways and means.

The following communication from the House was received :

HOUSE OF REPRESENTATIVES,
Helena, M. T., Feb. 26th 1883.

Mr. President:

By instruction of the House, I herewith return H. B. No. 54, and am directed to state that the House declines to receive from the Council any substitute to its bills, but will consider the substance of the substitute sent by the Council to said bill, if it is offered as an amendment of the Council to the said House Bill; but that the *original* of the bill as a constitutional question should be preserved, so that the Executive might be certainly notified as to the House in which such bill originated.

DAVID MARKS,
Chief Clerk.

Council substitute for H. B. No. 54, returned by the House, was re-referred to the committee upon ways and means.

Upon motion of Morris, Council adjourned until 10 A. M. tomorrow.

JAMES B. WELLS,
Chief Clerk.

FIFTY-FIRST DAY.

COUNCIL CHAMBER,
Helena M. T., Feb., 27th, 1883

Council met, pursuant to adjournment, at 10 A. M.

Mr. President in the chair.

Roll called, all present.

Prayer by the chaplain.

Journal of yesterday read and approved.

Upon motion of Witter, the vote by which H. B. No. 65 had passed was reconsidered by the following vote:

Aye---Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, Witter and Mr. President :---12.

Absent, White, 1.

No---

H. B. No. 65 was thereupon referred to the committee upon mines and minerals.

The following reports were received:

Mr. President:

Your joint committee on enrollment beg leave to report that C. J. R. No. 6, "Making appropriation for the purpose of collecting statistics for the Historical Society of Montana;" House Bill No. 7, "An act to create the county of Yellowstone, and for the election of officers thereof;" Council Bill No. 10, "An act to amend section 488 of the fifth division of the revised statutes of Montana;" C. B. No. 2, "An act concerning railroad corporations;" Council Bill No. 9, "An act entitled an act for the relief of A. W. Tanner;" and Council Joint Resolution "Making appropriation for defraying expense of representing Montana at the Amsterdam Exposition" were presented to the Governor on February 26th, 1883, at 5.10 P. M.

MITCHELL,
Chairman.

Mr. President

Your committee on ways and means, to whom were referred C. B. No. 47, "A bill for an act relative to the procuring of licenses by persons who keep roller skating rinks," have duly considered the same, beg leave to report the same back, with the recommendation that it do pass.

MORRIS,
Chairman.

Upon motion of Mitchell the rules were suspended, C. B. No. 47 considered engrossed, read third time by title, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Mr. President: 11.

No—Witter: 1.

Title agreed to.

The following report was received :

Mr. President :

Your committee on ways and means, to whom was referred H. J. R. No. 4, "To pay for wood-cuts in publishing marks and brands," have duly considered the same, and beg leave to report it back, with the recommendation that it do pass.

MORRIS,
Chairman.

Mitchell, by unanimous consent, without previous notice, introduced C. B. No. 48, "An act to require sheriffs to keep a general docket," which was read first and second time. and referred to the committee on judiciary.

The following report was received :

Mr. President :

Your joint committee on enrollment beg leave to report that Council Bill No. 31, "An act to provide for the care and maintenance of Territorial convicts;" Council Joint Resolution No. 2, "A resolution expressive of the sense of this Legislature upon the assassination of President Garfield;" House Bills Nos. 55 and 71, "An act to prohibit the sale of firearms and ammunition to minors;" "An act to enable the county of Dawson to erect a court house and jail;" House Bill No. 8, "An act to repeal an act entitled an act to authorize the counties interested to assist in building a railroad from the head of navigation on the Missouri river, at or near Fort Benton, to the city of Helena, approved February 11th, 1876, and also to repeal an act to facilitate the construction of the Helena and Benton railroad," were presented to the Governor on February 24th, 1883, at 12.20 p. m.

MITCHELL,
Chairman.

The following communication from the House was received :

HOUSE OF REPRESENTATIVES,
Helena, M. T., Feb. 26th, 1883.

Mr. President :

I am instructed by the House to inform your honorable body that House Bills 24, 48, 74, 75, 81, 88 and 104, also H. J. R. Nos. 5 and 9 have passed, and are herewith transmitted.

C. B. No. 27 as amended, and C. J. M. No. 2 have passed the House, and are herewith transmitted.

The Speaker has signed C. B. Nos. 9 and 10, and C. J. R. Nos. 5 and 6.

DAVID MARKS,
Chief Clerk.

Upon motion of Witter the amendments made by the House to C. B. No. 27 were concurred in, and said bill ordered enrolled.

C. J. M. No. 2 was ordered enrolled.

The following communication from the House was received:

HOUSE OF REPRESENTATIVES.

Mr. President :

I am directed by the house to inform your honorable body, that H. B. No. 69 with a copy of the objection of the governor thereto are herewith transmitted, upon the question being put, "shall this bill pass the objections of the governor, to the contrary notwithstanding," the bill passed the House by a vote exceeding two thirds of its members.

Bills were introduced as follows:

By Armstrong—H. B. 107, "A bill for an act authorizing certain assessments in Deer Lodge County."

By Settle—H. R. No. 108 "A bill for an act authorizing the counties of Lewis and Clark and Choteau to build a railroad from the head of navigation at Fort Benton to Helena City."

The House has refused to concur in Council amendments to H. B. No. 28 and respectfully ask the Council to recede.

The bill is herewith returned.

DAVID MARKS,
Chief Clerk.

EXECUTIVE OFFICE,
Helena Feb., 23d, 1883.

To The Honorable, House of Representatives :

H. B. No. 69, is very respectfully returned without my signature, for reason that in my opinion the interests of the Territory and the taxpayers are not sufficiently guarded. In some of the older States it is not uncommon for deaf mute pupils to travel with or without, an escort 50 miles or more daily, to attend school. I do not find in chapter 19, fifth division general laws of Montana, nor in the bill returned which proposes an addition to that chapter, any positive evidence, that a residence in the institutions for Deaf Mutes or Blind Children is required. The words, "placed in," may perhaps express the intention of such residence and may control, but this is not clear to my mind, and I fear that, when children live near such an institution, or when from increasing railroad facilities transportation to and from home to school, becomes easy, a claim for daily travel and escort may be set up, unless the intention of the Legislature, that residence in the institution is expected, be made more explicit.

I am Very Respectfully,

JNO. SCHUYLER CROSBY,
Governor.

Upon motion of White, Council refused to recede from amendments, to substitute for H. B. No. 28, and asks the house to concur in said amendments.

The following report was received :

Mr. President :

Your committee upon incorporation, to whom was referred H. B. No. 92, entitled an act to provide for the Fort Benton Fire Department, have considered the same and report it back to the Council, with the accompanying amendments, and recommend that the bill, as amended, pass.

CHAS. G. COX,
Chairman.

Amend H. B. No. 92, entitled an act to provide for the Fort Benton Fire Department, as follows:

By sticking out the words "fire company," wherever the same occur, and inserting in lieu thereof the words. "fire department."

CHAS. G. COX,
Chairman.

Upon motion of Chessman, the amendments proposed by committee to H. B. No. 92 were adopted, and the amendments ordered engrossed.

The following report was received:

Mr. President :

Your committee on engrossment, to whom was referred, Council Bill No. 29, beg leave to report the same correctly engrossed.

W. E. BASS,
Chairman.

Upon motion of Hamilton, Council went into executive session, with closed doors.

Council resumed with open doors and the clerk was instructed to note upon the journal, that the Council had, in executive session confirmed the following as Notaries Public:

Richard Z. Thomas,	Beaverhead County.
Sidney C. Edgerton,	Choteau "
J. D. Matheson,	Custer "
Edward B. Covely,	" "
George A. Miles,	Custer "
Henry S. Back,	Dawson "
John J. Carter,	" "
George R. Tingel,	" "
James C. Sherburne,	" "
John R. Eardley,	Deer Lodge "
William. H. Trippet,	" "
T. K. Clarke,	" "
Llewellyn A. Luce,	Gallatin "
Alexander J. Elder,	Jefferson "
Charles D. Curtis,	Lewis and Clark "
R. H. Kenep,	" "
Valentine Laubenheimer	" "
Massena Bullard,	" "
Harry R. Comly,	" "

J. H. Jurgens,	Lewis and Clarke County.
Lomer Lahaise,	Madison "
R. N. Hawkins.	" "
M. H. Lott,	" "
Floyd C. Dwinelle,	Meagher "
Frank E. Wright,	" "
Edmund Sherwood,	Missoula "

Witter now moved to reconsider the vote by which H. B. No. 69 had passed this body, and the motion prevailed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Morris, Thomas, Witter, Mr. President: 10.

No—Gillette, White: 2.

The question now being, Shall this bill pass, the objections of the Governor to the contrary notwithstanding? the vote thereon was as follows:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, Witter, Mr. President: 11.

No—White: 1.

The following communication from the Governor was received:

EXECUTIVE OFFICE.
Helena, February 26th, 1883.

To the Council:

I have the honor to inform you that I have this day approved the following Council Bills and Council Joint Resolutions:

Council Bill No. 2, "An act concerning railroad corporations."

Council Bill No. 10, "An act to amend section 488 of the fifth division of the revised statutes of Montana."

Council Joint Resolution No. 5, "Making appropriations for defraying expense of representing Montana at the Amsterdam Exposition."

Council Joint Resolution No. 6, "Making appropriations for the purpose of collecting statistics for the Historical Society of Montana."

I am, Very Respectfully,

Your Obed't Servant,

JNO. SCHUYLER CROSBY,

Governor.

The following report was received.

Mr. President:

Your committee on grazing and stock growing, to whom was referred Council Bill No. 34, have considered the same, and respectfully ask its passage, with the following amendment.

GILLETTE.

Amend Council Bill No. 34, "An act in relation to wire fences," by inserting in section 1, line 4, after the word "fence" the following: Provided that in by-roads or lanes leading to farms other than the public or main traveled roads, and through which sheep are habitually driven, there shall be a rail, pole or board fastened to each panel of such fence, not more than eighteen nor less than twelve inches from the ground, and no barbed wire less than three feet from the ground through said lanes."

Mitchell offered to amend by inserting after the word "in" on 4th line the words "private roads, by-ways and lanes," and the same was adopted.

Upon motion of Hamilton, recess was taken until 2 p. m.

2 p. m. Council resumed.

Mr. President in the chair.

Roll called, quorum present.

Mr. President announced the question before the House to be the pending amendment to C. B. No. 34.

The amendment offered by committee on grazing and stock growing, as amended by Mitchell, now being put to vote, was lost.

Cardwell offered the following amendment:

Amend by inserting after the word board: "Said board or pole may be placed twelve inches above or below the top wire."

The amendment was adopted, and the bill as amended ordered engrossed.

Mitchell, by unanimous consent, without previous notice, introduced C. B. No. 49, "A bill for an act to amend an act entitled an act to prescribe the fees of jurors and witnesses in the probate and justices' court, of the general laws of Montana." The bill was read first and second time, and referred to the committee upon judiciary.

Mr. President announced that he was about to sign H. B. No. 77 and C. B. No. 15.

The following report was received:

Mr. President:

Your committee of the whole, having under consideration H. B. 47, H. J. R. No. 2, H. B. No. 56, H. B. No. 40, H. B. No. 68, C. B. No. 21, H. B. No. 63 and C. B. No. 24, beg leave to report them back to the Council with the following recommendations:

H. B. No. 47, "An act to authorize school trustees to issue bonds to build school houses." Recommend its passage as amended.

H. J. R. No. 2, "Providing for a Constitutional Convention." Report it back, with the recommendation that it do not pass.

H. B. No. 56, "A bill relative to the jurisdiction of justices' courts." Recommend its passage.

H. B. No. 40, "An act concerning the compensation of county assessor." Report it back, recommending its passage as amended.

H. B. No. 68, "A bill to amend chapter 20 of the 5th division of the revised statutes of Montana, relating to divorce." Report it back, with the recommendation that it do not pass.

C. B. No. 21, "A bill for an act to amend an act to provide compensation for deputy clerks of the district courts." Recommend its passage as amended.

H. B. No. 63, "An act to amend the code of civil procedure relating to contempts," and C. B. No. 24, "An act defining the crime of polygamy and providing for the punishment thereof," are reported back, with the recommendation that they be indefinitely postponed.

The amendments to the several bills are herewith transmitted.

MORRIS,
Chairman.

Upon motion of White the above report was adopted.

Upon motion of Mitchell, the amendments offered by committee to C. B. No. 21 were adopted, and said bill ordered engrossed.

The amendments offered by committee to H. B. No. 47 were adopted, and amendments ordered engrossed.

The amendment reported by committee to H. B. No. 40 was adopted, and amendment ordered engrossed.

The motion to indefinitely postpone C. B. No. 24 was lost by the following vote:

Aye—Cardwell, Cox, Hamilton, Mitchell Mr. President:—5.

No—Bass, Chessman, Gillette, Morris, Thomas, White and Witter:—7.

The bills were ordered engrossed.

The motion that H. B. No. 63, be indefinitely postponed, prevailed by the following vote:

Aye—Cardwell, Chessman, Cox, Gillette, Hamilton, Morris, White and Mr. President:—8.

No—Bass, Mitchell, Thomas and Witter:—4.

The following report was received:

Mr. President:

Your committee upon Indians affairs, to whom was referred H. B. No. 8, an act to provide for the funding of the outstanding indebtedness of Dawson county, beg leave to report that they have considered the same and recommend that in section three, after the words, "And provided further, that none of said bonds shall be sold at less than," strike out the words "ninety-five cents on the dollar of," and in last two lines of section three, strike out "ninety-five per. cent of" and recommended that said bill do pass, as amended.

HAMILTON,
Chairman.

Upon motion of Hamilton, the amendment offered by committee, was adopted and amendment ordered engrossed.

The following reports were received:

Mr. President:

Your committee upon judiciary, to whom was referred C. B. No. 48, entitled an act to require Sheriffs to keep a general docket,

have considered the same and report it to the Council with the recommendation that it pass.

CHAS. G. COX,
Chairman.

Upon motion of White, the rules were suspended, C. B. No. 48 considered engrossed, read third time by title and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

The following report was received:

Mr. President:

Your committee on ways and means, to whom was referred H. B. 54, "An act to provide for the refunding of certain outstanding bonds of Missoula County Montana, and for other purposes," have considered the same and recommend its passage with the accompanying amendment, in place of the substitute for said bill.

MORRIS,
Chairman.

Upon motion of White, the amendment presented by committee to H. B. No. 54 was adopted.

Upon motion of Mitchell, the rules were suspended, the amendment considered engrossed, the bill read first, second and third time by title, and passed as amended, by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No---

Title amended to read, "An act to provide for the refunding of certain outstanding fifteen per cent. bonds of Missoula County, Montana, with accrued interest thereon and for other purposes."

H. J. R. No. 5, "For the relief of Edmund W. Bach," was read first and second time, upon motion the rules suspended, read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President: 12.

No—

Title agreed to.

H. J. R. No. 9, "Making appropriations for the law division of the Montana Library," was read first and second time, and referred to Judiciary Committee.

H. B. No. 24, "An act to establish Boards of Health," was read first and second time, and referred to Judiciary Committee.

H. B. No. 48, "A bill providing for the incorporation of institutions of learning," was read first and second time, and referred to committee on education and labor.

The following report was received:

Mr. President :

Your committee upon judiciary, to whom was referred, H. J. R. No. 9, entitled House Joint Resolution, making appropriation for the law division of the Montana Library, have considered the same and report it to the Council, with the recommendation that it pass.

CHAS. G. COX,
Chairman.

H. B. No. 74, "An act to enable the county of Choteau to erect a Court House," was read first and second time, and referred to committee on towns and counties.

The following communication from the Governor was received:

EXECUTIVE OFFICE,
Helena Feb. 27th, 1883.

To the Council:

Council Bill No. 9 is respectfully returned without my signature, for the following reasons:

The bill proposes to pay A. W. Tanner the sum of eight hundred dollars "for services rendered by the said A. W. Tanner to the Territory of Montana, as messenger in obedience to a requisition issued by the Governor of Montana to the Governor of Ohio, for the arrest of one Augustus Callahan."

Two Legislatures and a decision of the District and Supreme Judicial Courts have refused relief to J. C. Gray, sheriff of Gallatin county, *whose messenger Tanner was*, and it seems to me that no service justifying the payment proposed by the bill has been rendered to the Territory. In the course of my inquiry into the facts, my respected predecessor, Governor Potts, writes me as follows: "Guy, sheriff of Gallatin county, let Callahan get away from him, and he is seriously blamed for it, and he was anxious to recover him. He only asked a requisition to aid him in the recovery—not that the Territory should pay any part of the expenses. Tanner was going East on other business, and Guy employed him to try and recover Callahan. I granted the requisition. Tanner never made any return of the requisition, and I have no knowledge that he ever went to Ohio, or tried to enforce it. It was his duty to make a return of his action, under the requisition, which he never done. Tanner never made any claim for more than six months after his return, and his hope for payment was an after thought. No requisition would ever have been made had any intimation been made that the Territory was to become chargeable. The charges are unreasonable."

On the 24th of January, 1874, the committee on ways and means, Hon. W. B. Dana, chairman, reported to the Council as follows:

"*Mr. President*—Your committee on ways and means, to whom was referred the matter of the petition of J. C. Guy, sheriff of Gallatin county, asking for relief for expenses incurred in going to the State of Ohio on requisition of his Excellency, B. F. Potts, Governor of Montana Territory, report the same back to the Council, with the recommendation that the relief asked for by the said petition be not

granted, for the reason that your committee are of opinion that there was culpable negligence in guarding said prisoner, and that, in the opinion of your committee, it would be a dangerous precedent to allow such claims, as it would be virtually offering a premium to an officer for a neglect of plain duty.

“W. B. DANA.

“OWEN GAINGAN,

“E. T. YAGER.”

“The report was adopted.”

On the 20th of January, 1877, House Bill No. 8, for the relief of Albert W. Tanner, was read for the third time, and lost by a vote of *twenty-three to none*.

I can have no doubt that the bill now returned by me is liable to the same objections that have compelled courts and Legislatures to reject it, on the ground that it proposes payment by the Territory, without service to it, and is a bounty offered to an officer, not for *doing* his official duty merely, which would involve a pernicious principle, but for *not* doing it, either by himself in the first place or his unsuccessful agent in the second.

It seems to me evident that only the names of the claimants are changed, and that all the objections that have heretofore induced Executive, Court and Legislature to refuse relief under the name of Guy, the sheriff, or Tanner, the agent of the sheriff, and virtually to pay for an escape, and no recovery, apply with full force to day.

I am, Very Respectfully,

Your Obedt Servant,

JNO. SCHUYLER CROSBY,

Governor.

Upon motion of Mitchell, the veto message of the Governor was made special order for 2 p. m. to-morrow.

H. B. No. 75, “An act concerning letting of service of convicts confined in the Territorial penitentiary at Deer Lodge,” was read first and second time, and referred to the committee on ways and means.

The following report was received :

Mr. President :

Your committee upon Indian affairs, to whom was referred C. B. No. 45, “An act to incorporate the city of Fort Benton.” would beg leave to report that they have duly considered the same, and recommend its passage.

HAMILTON,

Chairman.

Upon motion of Bass the rules were suspended, C. B. No. 45 considered engrossed, and filed for third reading.

Motion of Cox to adjourn till 10 A. M. to-morrow was lost.

H. B. No. 81, “A bill for an act to prevent the carrying of deadly weapons,” was read first and second time, and referred to the committee upon military affairs.

H. B. No. 88, “A bill for an act to amend sec. 13 of the fifth divi-

sion of the revised statutes of Montana, in relation to diseased animals," was read first and second time, and referred to the committee upon towns and counties.

H. B. No. 104, "A bill to amend an act entitled an act to create the County of Silver Bow, and for the election of officers thereof," was read first and second time, and referred to the committee upon mines and minerals.

H. J. R. No. 4 was read third time, and passed by the following vote:

Aye—Bass, Cardwell, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, Mr. President: 9.

No—Chessman, White, Witter: 3.

White moved to amend title to read, "An act for the relief of the Independent Publishing Company."

Upon motion of Mitchell the amendment was laid upon the table.

Title agreed to.

Substitute for H. B. No. 20 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

Substitute for H. B. No. 58 was read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Mr. President: 11.

No—Witter: 1.

Title agreed to.

H. B. No. 87 was read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter, Mr. President: 12.

No—

Title agreed to.

Upon motion of Mitchell Council adjourned until 11 A. M. tomorrow.

JAMES B. WELLS,
Chief Clerk.

FIFTY-SECOND DAY.

COUNCIL CHAMBER,
Helena M. T., Feb., 28th, 1883.

Council met, pursuant to adjournment, at 11 A. M.

Mr. President in the chair.

Roll called, all present.

Prayer by the chaplain.

Journal of yesterday read and approved.

Upon motion of Mitchell, the journal of the 26th was corrected.

Upon motion of Hamilton, C. B. No. 45 was re-referred to the committee upon Indian affairs.

Upon motion of Morris, H. B. No. 102 was re-referred to the committee upon ways and means.

The following communication from the Governor was received:

EXECUTIVE OFFICE.

Helena, February 27th, 1883.

To The Council:

I have the honor to inform you, that I have this day approved Council Bill No. 15, entitled, "An act, to amend an act to incorporate the City of Helena, approved, Feb., 22d, 1881."

I am, Very Respectfully,

Your Obed't Servant,

JNO. SCHUYLER CROSBY,

Governor.

H. J. R. No. 2 was read third time and lost by the following vote:

Aye—Chessman, Mitchell, Thomas, White and Witter:—5.

No—Bass, Cardwell, Cox, Gillette, Morris, Hamilton and Mr. President:—7.

Upon motion of Hamilton, call of the House was ordered.

Roll called, absent Bass.

Upon motion further call was dispensed with.

The following communication was received:

HELENA, M. T., Feb. 28th, 1883.

The Legislative Council of Montana Territory:

The Trustees and Principal of the Helena graded schools, extend to you a most cordial invitation to the Literary and Musical Exercises to be given by the pupils in the assembly room of the school building, on Friday, March 2d, at 1.45 P. M.

Very Respectfully,

Your Obedient Servant,

R. H. HOWEY,

Principal.

H. J. R. No. 9 was taken up for third reading and upon motion of Mitchell, made a special order for Friday next at 11 A. M.

H. B. No. 68 was read third time and lost by the following vote:

Aye—Bass, Gillette, Morris, White and Witter:—5.

No—Cardwell, Chessman, Cox, Hamilton, Mitchell, Thomas and Mr. President:—7.

H. B. No. 56 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

H. B. No. 100 was read third time and passed by the following vote :

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Morris, White, Witter and Mr. President:—9.

No Cox, Mitchell and Thomas:—3.

Title agreed to.

C. B. No. 29 was read third time and passed by the following vote :

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President; 12.

No—

Title agreed to.

C. B. No. 42 was read third time and lost by the following vote :

Aye—Gillette, Hamilton, Thomas and Witter: 4.

No—Bass, Cardwell, Chessman, Cox, Mitchell, Morris, White, and Mr. President:—8.

The following reports were received :

Mr. President :

Your committee on engrossment, to whom was referred, Council amendments to House Bill No. 8, Council amendments to House Bill No. 40, Council amendments to House Bill No. 47, Council amendments to House Bill No. 92, Council amendments to House Bill No. 53, Council Bill No. 21, Council Bill No. 24, Council Bill No. 34 and Council Bill No. 36, beg leave to report the same correctly engrossed.

W. E. BASS,
Chairman.

Mr. President :

Your committee on ways and means, to whom were referred, H. B. No. 75, an act concerning the letting of service of convicts confined in the penitentiary at Deer Lodge, have had the same under consideration and would respectfully recommend that the bill do pass.

MORRIS,
Chairman.

Mr. President :

Your committee on ways and means, to whom were referred C. B. 22, a bill for an act to amend an act entitled an act in relation to fees of county clerks, have had the same under consideration and beg leave to report the bill back, with the recommendation that it do pass.

MORRIS,
Chairman.

Upon motion of Chessman, the rules were suspended, C. B. No. 22, considered engrossed, and filed for third reading.

The following reports were received :

Mr. President:

Your Joint Committee on enrollment, beg leave to report that House Bill No. 77, "An act to amend section 389 and 390, of the Criminal Practice Act," also, Council Bill No. 15, "An act, to amend an act to incorporate the city of Helena, approved, Feb. 22d, 1881," were presented to the Governor Feb., 27th, 1883, at 5 p. m.

MITCHELL,
Chairman.

Mr. President

Your committee on public lands, to whom were referred C. J. M. for increase of rates for public surveying, after due consideration of the same report it back with a recommendation that it do pass.

THOMAS,
Chairman.

Mr. President:

Your committee on mines and minerals, to whom was recommended H. B. No. 65, have had the same under consideration and report it back, with the recommendation that it be amended, by striking out all after the enacting clause, and insert in lieu thereof, the accompanying amendment, and as amended it do pass.

WITTER,
Chairman.

Mr. President :

Your committee on mines and minerals, to whom was referred H. B. No. 104, have had the same under consideration and report the bill back, with the recommendation that it do pass.

WITTER,
Chairman.

Upon motion of Witter, the amendment proposed by committee on mines and minerals, to H. B. No. 65, was adopted, the rules suspended, the amendment considered engrossed, and the bill filed for third reading.

The following report was received :

Mr. President:

Your committee on grazing and stock growing, to whom was referred Council substitute for House Bill 34, "An act to amend an act relative to bounty for killing certain animals," have considered the same and recommend its passage.

GILLETTE.
Chairman.

H. B. No. 34 was upon motion of Mitchell, referred to a special committee, consisting of Mitchell, Cardwell and Hamilton.

The following reports were received :

Mr. President :

Your committee on education and labor, to whom was referred House Bill No. 64, "An act concerning the change of names of persons," have duly considered the same and recommend that it do not pass.

GILLETTE,
Chairman.

Mr. President :

Your committee on education and labor, to whom was referred House Bill No. 48, a bill providing for the incorporation of institutions of learning, have duly considered the same and recommend its passage.

GILLETTE,
Chairman.

Mr. President :

Your committee on towns and counties, to whom was referred C. B. No. 37, an act to provide for the levy and collection of street taxes in incorporated towns and cities, have had the same under consideration and beg leave to report the bill back, with the recommendation that it do pass.

CARDWELL,
Chairman.

Upon motion of Chessman the rules were suspended C. B. No. 27 considered engrossed, and filed for third reading.

The following report was received :

Mr. President :

Your committee upon towns and counties, to whom was referred H. B. No. 88, entitled a bill for an act to amend section 13 of the fifth division of the revised statutes of Montana, in relation to diseased animals, have considered the same, and report it to the Council with the accompanying amendments, with the recommendation that, as amended, the bill pass.

CARDWELL,
Chairman.

The amendments proposed in above report were adopted and ordered engrossed.

The following report was received :

Mr. President :

Your committee upon judiciary, to whom were referred H. B. No. 24, entitled an act to establish Boards of Health, also, C. B. No. 49, entitled a bill for an act, to amend an act, entitled an act, to prescribe the fees of jurors and witnesses in the Probate and Justices Courts, of the general laws of Montana, have considered the same,

and report them back to the Council, with the recommendation that they each do pass.

C. G. Cox,
Chairman.

Upon motion, the rules were suspended, C. B. No. 49 considered engrossed and filed for third reading.

The following report was received :

Mr. President:

Your committee on ways and means, to whom were referred H. B. 102, an act, to amend an act, to incorporate the city of Virginia, approved December 30th, 1864, have the same under consideration and beg leave to report the same back, with the following amendment, and as amended, that the bill do pass.

MORRIS,
Chairman.

Upon motion of White, the amendment was adopted and ordered engrossed.

Upon motion of Chessman, recess was taken until 2 P. M.

2 P. M. Council resumed.

Mr. President in the chair.

Roll called, quorum present.

Mr. President announced that he was about to sign C. B. No. 33, C. B. No. 18 was taken up for third reading and referred to committee of the whole.

H. B. No. 43 was read the third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas and Mr. President:—9.

No—Cox and White:—2.

Absent, Witter, 1.

Title agreed to.

Gillette, by unanimous consent without previous notice, introduced C. B. No. 50, "An act to change the name of Johannes Gustaffson, to John G. Hulten." The bill was read first and second time, and upon motion of Mitchell, the rules suspended, the bill considered engrossed, read third time by title and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Mr. President: 11.

No—

Absent, Witter: 1.

Title agreed to.

Mr. President called Bass to the chair, and introduced by unanimous consent without previous notice C. B. No. 51, "A bill for an act to protect game, fur-bearing animals and fish." The bill was read first and second time, and referred to committee on grazing and stock growing.

The following communication from the House was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., Feb. 27th, 1883.

Mr. President:

I am instructed by the House to inform your honorable body that Mantle gave notice of the introduction of bill "To remove the seat of government of the Territory of Montana to either Bozeman or Butte city."

Bills were introduced as follows:

By Hickman—H. B. No. 109, "An act to amend an act entitled an act to regulate the fees of sheriffs for board of prisoners."

By Edwards—H. B. No. 110, "A bill for an act to create the new county of Park."

By Blake—H. B. No. 111, "An act to provide for the establishment of free public libraries."

The Speaker signed C. Bs. 15 and 33 and H. B. 77.

H. Bs. 49, 96, 105 and 4 and C. B. 13 and 38 have passed the House and are herewith transmitted.

DAVID MARKS,
Chief Clerk.

Upon motion of Chessman the amendments offered by the House to C. B. No. 13 were adopted, and the amendments ordered enrolled.

C. B. No. 38 was ordered enrolled

On motion of White the vote by which C. B. No. 9 had passed this body was reconsidered by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Mitchell, Thomas Hamilton, White, Witter, Mr. President: 10.

No—Cox and Morris: 2.

The question now being put, Shall this bill pass, the objection of the Governor to the contrary notwithstanding? the result was as follows:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Thomas, Mr. President: 7.

No—Gillette, Mitchell, Morris, White, Witter: 5.

The following communication from the House was received:

HOUSE OF REPRESENTATIVES,
Helena M. T., Feb. 28th, 1883.

Mr. President:

I am directed by the House to inform your honorable body that C. B. Nos. 7 and 35 have passed the House and are herewith transmitted.

DAVID MARKS,
Chief Clerk.

C. B. Nos. 7 and 35 were ordered enrolled.

H. B. No. 105, "An act to incorporate the town of Missoula," was read, under suspension of the rules, first and second time by title, and referred to committee on incorporations.

Substitue for H. B. No. 4, "A bill relative to water rights," was read first and second time and referred to committee on agriculture and manufacture.

H. B. No. 49, "An act for the better protection of live stock in the Territory of Montana," was read first and second time. On motion of Witter to refer the bill to the committee on ways and means, Cardwell moved to amend, to refer the same to the committee on agriculture and manufacture.

The call of the ayes and noes on the amendment resulted as follows:

Aye—Bass, Cardwell, Cox, Gillette, Hamilton, Morris, Thomas, Mr. President:—8.

No—Chessman, Mitchell, White, Witter:—4.

H. B. No. 96, "An act concerning building corporations," was read first and second time, and referred to committee on incorporations.

On motion of White the rules were suspended, H. B. No. 8 was read third time by title and passed as amended by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Thomas and Mr. President:—8.

No—Gillette, Morris, White and Witter:—4.

Title agreed to.

H. B. No. 40 was read third time and lost by the following vote:

Aye—Chessman, Gillette, Mitchell, Thomas, White, Witter:—6.

No—Bass, Cardwell, Cox, Hamilton, Morris, Mr. President:—6.

H. B. No. 47 was taken up for third reading. Mitchell asked unanimous consent to amend by inserting the words "or providing" in line 20, sec. 1, after the word "building."

On motion of Cardwell the amendment was adopted.

On motion of Mitchell the rules were suspended, the bill read third time by title, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

On motion of Mitchell the title was now amended to read: "An act to authorize school trustees to issue bonds to build or provide school houses."

On motion of Hamilton Council adjourned until 10 A. M. tomorrow.

JAMES B. WELLS,
Chief Clerk.

FIFTY-THIRD DAY.

COUNCIL CHAMBER,
Helena M. T., March 1, 1883.

Council met, pursuant to adjournment, at 10 A. M.

Mr. President in the chair.

Roll called, absent Hamilton,

Prayer by the chaplain.

Journal of yesterday read and approved.

The motion of Cardwell to reconsider the vote by which H. J. R. No. 2 had passed this body prevailed by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Mitchell, Morris, Thomas, White, Witter:—9.

No Cox, Mr. President:—2.

Absent, Hamilton, 1.

And the clerk was instructed to recall said resolution from the House.

On motion of Morris Council reconsidered its action by which H. B. No. 40 had passed, by the following vote:

Aye—Chessman, Gillette, Mitchell, Morris, Thomas, White, Witter: 7.

No—Bass, Cardwell, Cox, Mr. President: 4.

Absent, Hamilton, 1.

And the clerk was instructed to recall said bill from the House.

The following report was received:

Mr. President:

Your committee on enrollment beg leave to report that Council Bill No. 33, "An act relating to the official survey of the town site of Helena," is correctly enrolled.

MITCHELL,
Chairman.

H. B. No. 24 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Mitchell, Morris, Thomas, White, Witter and Mr. President: 11.

No—

Absent, Hamilton, 1.

Title agreed to.

H. B. No. 48 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Mitchell, Morris, Thomas, White, Witter and Mr. President:—11.

No—

Absent, Hamilton, 1.

Title agreed to.

H. B. No. 53 was read third time and passed as amended by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Mitchell, Morris,

Thomas, White, Witter and Mr. President: 11.

No—

Absent, Hamilton, 1.

Title agreed to.

H. B. No. 64 was read third time and lost by the following vote:

Aye—

No—Bass, Cardwell, Chessman, Cox, Gillette, Mitchell, Morris, Thomas, White, Witter and Mr. President:—11.

Absent, Hamilton, 1.

H. B. No. 65, under suspension of rules, by motion of Witter, was third time by title and passed as amended by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Mitchell, Morris, Thomas, White, Witter and Mr. President:—11.

No—

Absent, Hamilton, 1.

Title agreed to.

H. B. No. 75 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Mitchell, Morris, Thomas, White, Witter and Mr. President:—11.

No—

Absent, Hamilton, 1.

Title agreed to.

H. B. No. 92 was read third time and passed, as amended, by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Mitchell, Thomas and Mr. President: 7.

No—Gillette, Morris, White and Witter: 4.

Absent, Hamilton, 1.

Title agreed to.

On motion of Thomas, call of the House was ordered.

Roll called.

Absent, Hamilton: 1.

On motion, further proceedings under call were suspended.

H. B. No. 104 was read third time and passed by the following vote:

Aye—Bass, Chessman, Cox, Mitchell, Morris, Thomas, White, Witter and Mr. President: 9.

No—Cardwell and Gillette: 2.

Absent, Hamilton, 1.

On motion of Witter, title was amended to read as follows: "A bill to repeal section 10 of an act entitled an act to create the county of Silver Bow and for the election of officers thereof."

O. B. No. 21 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Mitchell, Morris, Thomas, Witter and Mr. President:—9.

No—Gillette and White:—2.

Absent, Hamilton, 1.

Title agreed to.

O. B. No. 24 was read third time.

On motion of Mitchell, call of House was ordered.
house was ordered.

Roll called, absent Hamilton.

On motion of Chessman, further proceedings under call were suspended.

Mr. President announced, that he was about to sign H. J. R. No. 4, H. J. R. No. 5, H. B. No. 20, H. B. No. 58, H. B. No. 87 and C. B. No. 27.

On motion of Chessman, C. B. No. 37 was recommitted to committee on towns and counties.

On motion of Mitchell, recess was taken until 2 P. M.

2 P. M. Council resumed.

Mr. President in the chair.

Roll call, all present.

The vote now taken upon C. B. No. 24 which, prior to recess, was read a third time, resulted as follows:

Aye—Chessman, Gillette, Thomas, White and Witter:—5.

No—Bass, Cardwell, Cox, Hamilton, Mitchell, Morris and Mr. President:—7.

The following communication from the governor was received:

EXECUTIVE OFFICE,

Helena, March 1st, 1883.

To The Council:

I have the honor to inform you, that I have this day approved the following Council Bills and Council Joint Resolutions: Council Bill No. 33, "An act relating to the official survey of the town site of Helena."

Council Bill No. 27, "An act to enable the county of Meagher to furnish the court house and complete the jail."

I am, Very Respectfully,

Your Obed't Servant,

JNO. SCHUYLER CROSBY,

Governor.

C. B. No. 22 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas and Mr. President:—10.

No—White and Witter:—2.

Title agreed to.

C. B. No. 34, was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Morris and Mr. President:—8.

No—Gillette, Thomas, White and Witter:—4

Title agreed to.

C. B. No. 36 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President: 12.

No—

Title agreed to.

C. B. No. 49 was read third time and lost by the following vote:

Aye—Bass, Cardwell, Cox, Hamilton, Mitchell, Mr. President: 6.

No—Chessman, Gillette, Morris, Thomas, White, Witter: 6.

C. B. No. 18 was on motion of Mitchell taken from the general orders, read third time and lost by the following vote:

Aye—Chessman, Gillette, Thomas, White, Witter: 5.

No—Bass, Cardwell, Cox, Hamilton, Mitchell, Morris and Mr. President: 7.

Petition received and read praying for the enactment of a law prohibiting saloons within two miles of any school house.

On motion of Cox reading of names thereto attached dispensed with, and on motion of Witter petition was referred to committee on education and labor.

Petition from citizens of Meagher county, requesting memorial to Congress, asking for the restoration of certain parts of Fort Maginnis military reservation, was read and referred to the committee on federal relations.

The following reports were received:

Mr. President:

Your committee upon incorporations, to whom was referred H. B. No. 60, entitled, "A bill concerning assessments upon the stock of corporations," have considered the same, and report it back to the Council, with the recommendation that it pass.

C. G. Cox,
Chairman.

Mr. President:

Your committee on engrossment, to whom was referred Council amendments to House Bill No. 88 and House Bill No. 102, beg leave to report the same correctly engrossed.

W. E. Bass,
Chairman.

Mr. President:

Your committee upon Indian affairs, to whom was re-referred C. B. No. 45, "An act to incorporate the city of Fort Benton," beg leave to report the same back, with the amendments attached to the bill, and as so amended recommend that the bill do pass.

HAMILTON,
Chairman.

On motion of Witter, the amendments proposed to C. B. No. 45 were adopted.

The following report was received:

Mr. President:

Your committee on towns and counties, to whom was referred H. B. No. 74, "An act to enable the county of Choteau to erect a court house," have had the same under consideration, and beg leave to report the same back, with the recommendation that it do pass.

CARDWELL,
Chairman.

On motion of Hamilton the rules were suspended, H. B. No. 74 was read third time by title, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

The following report was received:

Mr. President:

Your committee on grazing and stock growing, to whom was referred Council Bill No. 51, "A bill for an act to protect game, fur-bearing animale and fish," have considered the same and recommend its passage.

GILLETTE,
Chairman.

On motion of Hamilton C. B. No. 51 was re-referred to the committee on grazing and stock growing.

The following report was received:

Mr. President:

Your committee on towns and counties, to whom was re-referred for purpose of amendment C. B. No. 37, "An act to provide for the levy and collection of street taxes in incorporated towns and cities," have had the same under consideration, and beg leave to report the bill back with amendments, and recommend the passage of the same.

CARDWELL,
Chairman.

The amendments proposed by committee to C. B. No. 37 were adopted, and on motion of Chessman the rules were suspended, the bill read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter, Mr. President: 12.

No—

Title agreed to.

H. B. No. 60 was on motion of Witter taken from the file, the rules suspended, the bill read third time by title, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

The following report was received :

Mr. President :

Your committee upon incorporations, to which was referred House Bill No. 105, "An act to incorporate the town of Missoula," beg leave to report the same back to the Council, with the accompanying amendments, and with these amendments recommend that the bill do pass.

CHAS. G. COX,
Chairman.

The amendments presented by committee to H. B. No. 105 were adopted and ordered engrossed.

The following report was received :

Mr. President :

Your joint committee on enrollment beg leave to report that House Bill No. 20, "An act concerning the publication of summons;" House Bill No. 87, "An act to amend section 348 of the fifth division of the revised statutes of Montana, relating to county commissioners;" House Joint Resolutions Nos. 4, 5, "To pay for wood cuts used in publishing marks and brands;" For the relief of Edmund W. Bach;" House Bill No. 58, "An act concerning the storage of gun powder;" Council Bill No. 27, "An act to enable the county of Meagher to furnish the court house and complete the jail;" Council Bill No. 33, "An act relating to the official survey of the town site of Helena," were presented to the Governor on March 1st. 1883. at 12 M.

MITCHELL,
Chairman.

On motion of Mitchell Council adjourned until 10 A. M. tomorrow.

JAMES B. WELLS,
Chief Clerk.

FIFTY-FOURTH DAY.

COUNCIL CHAMBER,
Helena M. T., March 2, 1883.

Council met, pursuant to adjournment, at 10 A. M.

Mr. President in the chair.

Roll called, all present.

Prayer by the chaplain.

Journal of yesterday read and approved.

Mr. President announced that he was about to sign H. Bs. Nos. 100, 56, C. Bs. Nos. 7, 38, 13 and 35 and C. J. M. No. 2.

The following report was received :

Mr. President :

Your committee on engrossment, to whom was referred Council Joint Memorial No. 7, beg leave to report the same correctly engrossed.

W. E. BASS,
Chairman.

The motion of Chessman to suspend the rules and place C. J. M. No. 7, on its final passage prevailed and the memorial passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

The following report was received.

Mr. President :

Your committee on Agriculture and Manufactures, to whom was referred, substitute for House Bill No. 4, beg leave to report the same back to the Council with the recommendation that the bill do pass.

W. E. BASS,
Chairman.

Upon motion of Witter, substitute for H. B. No. 4 was made a special order for to-morrow, 11.30 A. M.

Petition from stockmen of Custer County, relative to sale of unbranded slaughtered cattle received, and referred to the committee on grazing and stock growing.

The following report were received :

Mr. President :

Your committee on enrollment beg leave to report that C. B. No. 35, C. B. No. 7, C. B. No. 38, substitute for C. B. No. 13 and C. J. M. No. 2, are correctly enrolled.

MITCHELL,
Chairman.

Mr. President :

Your committee on Elections, to whom was referred H. B. No. 37, "An act concerning the organization of the Legislative Assembly," have duly considered the same, and beg leave to report it back, recommending that it do not pass.

MORRIS,
Chairman.

Mr. President:

Your committee on engrossment, to whom was referred Council amendments to House Bill No. 105 and Council Bill No. 45, beg leave to report the same correctly engrossed.

W. E. BASS,
Chairman.

Cox, by unanimous consent, without previous notice, introduced C. B. No. 52, "A bill for an act to amend Sec's. 253 and 256 of the Code of Civil Procedure, first division, and section 306, fifth division, criminal practice act, of the revised statutes of the Territory of Montana." The bill was read first and second time, and referred to the committee on judiciary.

The following communication from the House was received :

HOUSE OF REPRESENTATIVES,
Helena M. T., March 1st, 1883.

Mr. President :

I have the honor as per your request to return to you H. J. R. No. 2 and H. B. 40.

DAVID MARKS,
Chief Clerk.

On motion of Chessman, H. J. R. No. 2, was made special order for 2.30 P. M.

On motion of Witter, H. B. No. 40 was also made special order for 2.30 P. M.

The following communication from the House was received :

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 1st, 1883.

Mr. President:

I have the honor to herewith transmit H. J. R. No. 5, with the objections of the governor thereto.

The vote by which the bill passed, was reconsidered and upon the question being put, "Shall the resolution pass the objections of the Governor to the contrary notwithstanding?" the bill passed by a vote exceeding two thirds.

DAVID MARKS,
Chief Clerk.

EXECUTIVE OFFICE,
Helena, March 1st, 1883.

To The House of Representatives:

House Joint Resolution is herewith returned without my signature. For the same service rendered by Mr. John W. Eddy, to the Legislative Committee of 1881, the sum of fifty dollars was paid. I can therefore see no reasons for the increase of pay to Mr. Edmund W. Bach.

I am, Very Respectfully,
Your Obed't Servant,
JNO. SCHUYLER CROSBY,
Governor.

The motion of White, to reconsider the vote by which H. J. R. No. 5 had passed this body, prevailed by the following vote:

Aye---Bass, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President :---11.

No---

Absent, Cardwell, 1.

Hamilton, moved call of the house.

Roll called, absent Cardwell.

On motion of Witter, further proceedings under call were suspended.

Absentee in his seat.

The vote, the question now being put, "Shall this resolution pass the objections of the Governor to the contrary notwithstanding?" was as follows:

Aye---Bass, Cardwell, Chessman, Cox, Gillette, Hamilton Mitchell, Morris, Thomas, White, Witter and Mr. President: 12.

No---

The following communications from the house were received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 1st, 1883.

Mr. President:

I am directed by the house to transmit to your honorable body H. B. No. 112 which has passed the House.

DAVID MARKS,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 1st, 1883.

Mr. President:

I am directed by the house, to transmit to you H. C. R. No. 5, which has passed the house—the Speaker in conformity therewith appointed Messrs. Forbis, Comly and Hickman on the part of the house.

DAVID MARKS,
Chief Clerk.

H. C. R. No. 5, "relative to Legislative apportionment," was read first and second time, and on motion of White, the rules suspended, the resolution read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris Thomas, White, Witter and Mr. President: 12.

No—

Title agreed to.

Mr. President appointed in conformity to said resolution Messrs. Bass, Morris and Chessman, as such committee on the part of the Council.

The following communication from the house was received:

HOUSE OF REPRESENTATIVES

Helena M. T., March 1st, 1883.

Mr. President:

I am directed by the house, to inform your honorable body, that, on a reconsideration of the vote by which H. B. No. 89 was lost, the bill was again placed upon passage and lost.

The house has concurred in Council amendments to H. B. No. 104, H. B. 53, H. B. 65, H. B. 54, 8 and 47.

Notices of the introduction of bills were given as follows:

By Forbis—"A bill relative to insane persons," also, a bill providing for the service of process by telegraph.

By McAdow—"A bill for an act, to repeal article 2 of chapter 53, of the revised statutes of Montana."

By Mills—"A bill for an act, entitled an act, to secure greater safety in winter travel on prairie mail routes."

Bills were introduced as follows:

By Forbis—H. B. No. 113, "A bill relative to insane persons," also, H. B. No. 114, "A bill providing for the service of process by telegraph."

By Mills—H. B. No. 115, "A bill for an act, entitled an act, to secure greater safety in winter travel on prairie mail routes."

By Settle—H. B. No. 116, "An act in relation to public records." C. B. No. 50 on motion, was rejected by the house.

The house insisted on its action to H. B. No. 28, and asks for a committee of conference, that the chair has appointed as such committee on the part of the house, Comley, Wallace and Kanouse.

H. B. No. 101, has been lost, C. B. No. 29, has been lost and is herewith transmitted.

H. Bs. Nos. 70, 72, 79, 83 and 113 have passed the House, and are herewith transmitted.

The Speaker has signed H. Bs. Nos. 20, 58, 87, 56, 100, and H. J. Rs. Nos. 4 and 5, also C. Bs. Nos. 7, 13, 27, 35, 38, and C. J. M. No. 2.

DAVID MARKS,
Chief Clerk.

Mr. President appointed as members of the committee of conference on the part of the Council relative to H. B. No. 28, Witter, Chessman and Morris.

H. J. R. No. 9, which had been made a special order for this hour, was read third time and lost by the following vote:

Aye—Cardwell, Chessman, Cox, Mitchell, White: 5.

No—Bass, Gillette, Hamilton, Morris, Thomas, Witter and Mr. President:—7.

H. B. No. 79, "An act to prevent the spread of contagious diseases among sheep," was read first and second time, and referred to the committee on grazing and stock growing.

H. B. No. 70, "An act to authorize county commissioners to issue bonds to redeem outstanding indebtedness," was read first and second time and referred to the committee on ways and means.

Mr. President announced that he was about to sign H. Bs. Nos. 43, 47, 53, 65, 92 and 104.

Cox, by unanimous consent, without previous notice, introduced C. B. No. 53, "An act to authorize the Supreme court to employ a janitor and to prescribe his duties." The bill was read first and second time and referred to the committee on judiciary.

Cardwell, Mitchell and Witter by unanimous consent, without previous notice, introduced C. B. No. 54, "A bill for an act to define the boundary line between the county of Jefferson and the counties of Silver Bow and Deer Lodge, and to authorize the appointment of commissioners thereof." The bill was read first and second time, and upon motion of Mitchell the rules suspended, the bill considered engrossed, read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—11.

No—

Absent, Gillette, 1.

Title agreed to.

H. B. No. 72, "An act to secure manufacturers and owners of railroad equipment and rolling stock in making conditional sales and contracts for the lease thereof," was read first and second time and referred to the committee on judiciary.

Cox moved to adjourn to 10 A. M. to-morrow. Lost.

Hamilton moved to take recess until 7 P. M. Lost.

Mitchell moved for recess until 2 P. M. Lost.

On motion of Mitchell recess was taken until 3 P. M.

3 P. M. Council resumed.

Mr. White in the chair.

Roll called, no quorum.

On motion of Mitchell the Council adjourned until 10 A. M. to-morrow.

JAMES B. WELLS,
Chief Clerk.

FIFTY-FIFTH DAY.

COUNCIL CHAMBER,
Helena, M. T., March 3. 1883.

Council met, pursuant to adjournment, at 10 A. M.

Mr. President in the chair.

Roll called, quorum present.

Prayer by the chaplain.

Journal of yesterday read and approved.

On motion of Cox call of House was ordered.

Roll called.

Absent, Gillette and Hamilton.

On motion of Chessman further proceedings under call were dispensed with.

The following communications from the Governor were received :

EXECUTIVE OFFICE,
Helena, March 2d, 1883.

To The Council:

I have the honor to inform you that I have this day approved the following Council Bills and Council Joint Resolutions:

Council Bill No. 13, "An act to amend an act entitled an act regulating the Montana library."

Council Bill No. 35, "An act in relation to county licenses."

Council Bill No. 38, "An act supplemental to an act entitled an act to enable the county of Choteau to erect a jail, approved February 22d, 1881."

I am, Very Respectfully,
Your Obed't Servant,
JNO. SCHUYLER CROSBY,
Governor.

EXECUTIVE OFFICE,
Helena, March 2d, 1883.

To the Council:

I have the honor to inform you that I have this day approved Council Bill No. 7, entitled, "An act to enable the people of Glendive to erect a school house."

I am, Very Respectfully,
Your Obed't Servant,
JNO. SCHUYLER CROSBY,
Governor.

The following communication from the Chief Justice was received:

HELENA, March 2d, 1883.

To the President of the Council, Sir :

The librarian of the law library, in December, 1882, transmitted to Governor Potts his report as librarian in pursuance of the statute in that case made and provided. Accompanying which was a report of the trustees of said library, showing the manner in which the appropriation of \$250. of two years ago, for furnishing the library, had been expended; and also showing the manner in which the annual appropriation for the purchase of law books had been expended.

Governor Potts having failed to transmit said reports to the Legislature for their information, I have the honor herewith to hand to you, for the use of the Legislature, duplicates of said reports, excepting that the original reports were signed by a majority of the trustees of the library.

I am, Very Respectfully,

D. S. WADE,

Pres't Board Trustees of the Law Division of Montana Library.

On motion of Mitchell the reading of the report accompanying above communication was dispensed with.

Hamilton gave notice of motion to reconsider the vote by which H. J. R. No. 9, relative thereto, had been lost.

On motion of Mitchell the above report was thereupon referred to a special committee consisting of Hamilton, White and Cardwell.

• The following communication from the House was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 2d, 1883.

Mr. President:

I am instructed to inform your honorable body that the Governor returned H. J. R. No. 4 without his approval. Upon a reconsideration of the vote, and the question being put, "Shall this resolution pass, the objections of the Governor to the contrary notwithstanding?" the bill was lost.

C. Bs. Nos. 6, 19 and 30 as amended, and C. Bs. 20, 19 and 43 have passed the house and are herewith transmitted.

H. Bs. Nos. 25, 45, 106 and 111, and H. J. R. No. 8, have passed and are herewith transmitted.

H. J. M. No. 7 has been lost.

DAVID MARKS,
Chief Clerk.

Mr. President announced that he was about to sign H. Bs. Nos. 54, 24, 48 and 75.

The motion of Witter to concur in House amendments to C. B. No. 30 was lost by the following vote:

Aye—Cox and Witter: 2.

No—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, White and Mr. President: 10.

And on motion of Cardwell the clerk was instructed to request the House to recede from amendments thereto.

On motion of Thomas House amendments to C. B. No. 19 were concurred in, and the bill ordered enrolled.

On motion of Mitchell Council refused to concur in House amendments to C. B. No. 6, and the clerk was instructed to ask the House to recede from the same.

Cox offered the following resolution :

Resolved, By the Council of the Legislative Assembly of the Territory of Montana, that the *present* reporter of the Helena Daily Herald be hereafter excluded from the Council chamber of this Legislative Assembly.

The following amendment was offered by Hamilton and adopted :
"If upon investigation it shall appear that he is the author of the article referred to."

On motion of White a committee of three, consisting of White, Bass and Hamilton, was appointed to investigate and report upon the same.

C. Bs. Nos. 20, 17 and 43 were ordered enrolled.

The following report was received :

Mr. President :

Your committee upon judiciary, to whom was referred C. B. No. 52, entitled "An act to amend section 253 and 256 of the code of civil procedure, first division, and section 306, fifth division, criminal practice act, of the revised statutes of the Territory of Montana," have had the same under consideration, and report it to the Council with the recommendation that it pass.

CHAS. G. COX,
Chairman.

On motion of Witter the rules were suspended, and C. B. No. 52 considered engrossed.

The following report was received :

Mr. President :

Your committee on ways and means, to whom was referred H. B. No. 70, "An act to authorize county commissioners to issue bonds to redeem outstanding indebtedness," have had the same under consideration, and respectfully report the bill back, with the recommendation that it do pass.

MORRIS,
Chairman.

On motion of Mitchell H. J. R. No. 2 was made special order for 2.30 P. M. Also, on motion of Mitchell substitute for H. B. No. 4 was made special order for 2.30 P. M. Monday next.

C. B. No. 45 was, on motion of Hamilton to suspend the rules, read third time by title, and passed by the following vote :

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Thomas, Witter and Mr. President : 9.

No—Cox, Morris, White : 3.

Title agreed to.

On motion of Chessman H. B. No. 40 was made special order for 2.30 P. M.

The following report was received:

Mr. President:

Your committee on judiciary, to whom was referred C. B. No. 53, "An act to authorize the Supreme Court to employ a janitor and to prescribe his duties," beg leave to report the same back with the accompanying amendments, and as amended recommend that it do pass.

C. G. Cox,
Chairman.

Amend sec. 2, 3d line, by inserting the words "five hundred" in lieu of the words "one thousand."

On the motion of White to adopt the amendment, Mitchell moved to amend by inserting the words "three hundred" in place of the words "five hundred."

The amendment being lost, White moved to reconsider the vote by which it had been lost, and the motion prevailing, the amendment was adopted and the bill ordered engrossed.

The following report was received:

Mr. President:

Your joint committee on enrollment beg leave to report that H. B. No. 53, "An act to amend section 1007 of the fifth division of the revised statutes of Montana;" H. B. No. 92, "An act to provide for Fort Benton fire department;" H. B. 104, "An act to repeal section 10 of an act entitled an act to create the county of Silver Bow, and for the election of officers thereof;" H. B. No. 43, "An act to amend an act to provide for the payment of stock killed or injured by railroads;" H. B. No. 100, entitled, "An act concerning disincorporations;" H. B. No. 47, "An act to authorize school trustees to issue bonds to build or provide school houses;" H. B. No. 56, entitled "An act relative to the jurisdiction of justice courts;" H. B. No. 65, "An act to amend an act entitled an act to incorporate the town of Butte;" Council Bill No. 38, entitled "An act supplemental to an act to enable the county of Choteau to erect a jail, approved February 22d, 1881;" Council Bill No. 13, "An act to amend an act entitled an act regulating the Montana library," and Council Bill No. 35, "An act in relation to county licenses," were presented to the Governor on March 2d, 1883, at 12.15 P. M.

MITCHELL,
Chairman.

On motion of Cox recess was taken until 2 P. M.

2 P. M. Council resumed.
 Mr. President in the chair.
 Roll called, quorum present.

The motion of Hamilton to reconsider the vote by which H. J. R. No. 9 had passed prevailed by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—11.

No—

Absent, Cox, 1.

The following communication from the House was received:

HOUSE OF REPRESENTATIVES,
 Helena, M. T., March 3d, 1883.

Mr. President:

I have the honor to inform you that H. J. R. No. 10 has passed the House and is herewith transmitted.

DAVID MARKS,
 Chief Clerk.

H. J. R. No. 10, "To employ additional clerks," was read first and second time, on motion of Mitchell the rules suspended, the resolution read a third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President: 11.

No—

Absent, Cox, 1.

Title agreed to.

The following report was received:

Mr. President:

Your committee on grazing and stock growing, to whom was referred House Bill No. 90, "An act to protect the cattle interest," have duly considered the same, and recommend its passage.

GILLETTE, Chairman.

On motion of Hamilton, the rules were suspended H. B. No. 90 read third time, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, White and Mr. President:—10.

No—Witter:—1.

Absent, Cox, 1.

On motion of Stuart, the title was amended to read, "An act to prevent the illegal killing of cattle."

The following report was received:

Mr. President:

Your committee on judiciary, to whom was referred C. B. No. 46, a bill for an act to amend the Code of Civil Procedure of the

Territory of Montana, beg leave to report the same back, with the recommendation that it do pass.

C. G. Cox,
Chairman.

On motion of White, the rules were suspended, C. B. No. 46 considered engrossed, read third time by title and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, White and Mr. President:—10.

No—Witter:—1.

Absent, Cox, 1.

The following reports were received:

Mr. President:

Your committee on military affairs, to whom was referred H. B. No. 81, A bill for an act to prevent the carrying of deadly weapons, beg leave to report the same back, with the recommendation that it do pass.

WHITE,
Chairman.

Mr. President:

Your joint committee on enrollment, beg leave to report that, Council Bill No. 7, "An act to enable the people of Glendive to erect a school house," was presented to the Governor on March 2d, 1883, at 5.15 p. m. House Bill No. 48, "An act providing for the incorporation of institutions of learning," House Bill No. 54, "An act to provide for the refunding of certain outstanding fifteen per cent. bonds of Missoula county, Montana' with accrued interest thereon, and for other purposes," House Bill No. 75, "An act concerning the letting of service of convicts confined in the Territorial Penitentiary at Deer Lodge," House Bill No. 24, "An act to establish Boards of Health," were presented to the Governor on March 3d, 1883, at 12.30 p. m.

MITCHELL,
Chairman.

Mr. President:

Your committee upon incorporations to whom was referred H. B. 96, entitled "An act concerning building corporations," have had the same under consideration, and report it to the Council, with the recommendation that it pass.

C. G. Cox,
Chairman.

On motion of Mitchell, H. B. No. 96, was made special order for 11.30 a. m. Monday next.

The following report was received:

Mr. President:

Your committee on grazing and stock growing, to whom was referred House Bill No. 79, "An act to prevent contagious diseases

among sheep," have considered the same, and recommend its passage with the accompanying amendments.

GILLETTE,
Chairman.

On motion of White, the amendment proposed by committee to H. B. No. 79 was adopted, and on motion of Morris, the rules suspended, the amendments considered engrossed, the bill read third time and passed as amended, by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—11.

No—

Absent Cox, 1.

Title agreed to.

The following communication from the House was received:

HOUSE OF REPRESENTATIVES,
Helena M. T., March 3d, 1883.

Mr. President:

I am directed by the House, as per your request, to return to your honorable body H. J. R. No. 9.

DAVID MARKS,
Chief Clerk.

H. J. R. No. 9 was referred to a special committee, consisting of Hamilton, White and Cardwell.

H. J. R. No. 2 was on motion of Mitchell, made special order for 3.30 P. M.

H. B. No. 40 was on motion of Witter, recommitted to committee on ways and means, with instructions to report the bill back Monday morning next.

H. B. No. 83, "An act to amend the code of civil procedure," was read first and second time, and referred to the committee on judiciary.

H. B. No. 25, "An act in relation to printing," was read first and second time, and referred to the committee on ways and means.

H. B. No. 111, "An act to provide for the establishment of free public libraries," was read first and second time, and on motion of Mitchell, the rules suspended, the bill read third time by title and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter, Mr. President: 11.

No—

Absent Cox, 1.

Title agreed to.

H. B. No. 106, "A bill for an act to punish persons for unlawfully diverting water," was read first and second time, and referred to committee on judiciary.

H. B. No. 113. "A bill relative to insane persons," was read first and second time, and referred to committee on judiciary.

H. B. No. 45, "An act, to amend an act concerning chattel mortgages," was read first and second time, and referred to committee on judiciary.

H. J. R. No. 8, "To provide for the care of orphans," was read first and second time, and on motion of Mitchell, referred to the committee on education and labor, with instructions to report facts relative thereto.

H. B. No. 112, "A bill for an act relative to the office of County Commissioners of Custer county," was read first and second time, and referred to special committee, consisting of White, Cox and Morris.

The following communication from the House was received :

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 3d, 1883.

Mr. President:

I have the honor to inform you that, by your request House recedes from its amendments to C. B. No. 30, and the bill is herewith transmitted.

DAVID MARKS,
Chief Clerk.

H. B. No. 105, under suspension of rules, was read third time by title, and passed as amended, by the following vote :

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President: 11.

No—

Absent Cox, 1.

Title agreed to.

H. B. No. 37 was on motion of Mitchell, made special order for 2.45 P. M. Monday next.

H. B. No. 88 was read third time and passed as amended, by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas and Mr. President: 9.

No—White and Witter: 2.

Absent Cox, 1.

Title agreed to.

H. B. No. 81 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—11.

No—

Absent Cox, 1.

Title agreed to.

H. B. No. 70 on motion of Morris, to suspend the rules, was read third time by title, and lost by the following vote:

Aye—Bass, Gillette, Morris, Witter and Mr. President:—5.

No—Cardwell, Chessman, Hamilton, Mitchell, Thomas and White: 6.

Absent Cox, 1.

H. B. No. 96 was made the special order for 11.30 A. M. Monday next.

H. B. No. 102 was read third time and passed as amended, by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—11.

No—

Absent Cox, 1.

Title agreed to.

Chessman gave notice that he would on Monday next, move to reconsider the vote by which H. B. No. 70 had been lost.

C. B. No. 52 was read third time and lost by the following vote:

Aye—Bass, Cardwell, Cox, Hamilton, Mitchell and Mr. President: 6.

No—Chessman, Gillette, Morris, Thomas, White and Witter: 6.

On motion of Hamilton, a call of the House was ordered.

Roll called, absent Cox.

On motion of White, further proceedings under the call were suspended.

The following report was received and read:

Mr. President:

Your select committee, to whom was referred H. J. R. No. 9, beg leave to report that they have duly considered the same, and would ask that the accompanying petition from the Chief Justice be read, and recommend that the resolution do pass.

HAMILTON,
Chairman.

To The Legislative Assembly of Montana:

Your petitioners, Justices of the Supreme Court of Montana, respectfully represent that volumes one, two and three, of the decisions of the Supreme Court of Montana have been published by authority of law, and that during the present year volume four will be published; That since the publication of our own reports [volume one having been published in 1873], we have received for the law division of the Montana Library, the current reports of the Supreme Courts of the several States and Territories, in exchange for our own reports, and in a few instances full sets of reports and statutes, but in a large majority of cases, only broken and incomplete sets have been received, for the reason that the supply for distribution had become exhausted.

It is highly important to the Judges of the Supreme Court, to the members of the Legislative Assembly, and to the people at large that the broken sets of reports and statutes now in the library be filled up and made complete to the end, that the Judges, members of the Legislature and people aforesaid, may have an opportunity to become acquainted with the decisions and laws of our sister States and Territories, in determining the rights, and in enacting laws for the people of our own Territory. We further respectfully represent that it will require the purchase of from ten to twelve hundred vol-

umes of law books and statutes to fill up and make our Law Library reasonably complete.

We therefore earnestly request the Legislature now in session to make an appropriation of two thousand dollars, to be expended as the Legislature may direct, for the purchase of such law books for the Law Library, as are at present most needed, and as would be most useful for the purpose aforesaid.

D. H. WADE,
Chief Justice.

Feburary 5th, 1883.

On motion of Hamilton, the report of the select committee was adopted, the rules were suspended, H. J. R. No. 9 read third time by title, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

H. J. R. No. 2 was taken up for third reading and on motion of Cox, amended as follows:

Strike out the words, "as compensation for their services, four dollars per day. while in attendance during the session, including Sundays and legal holidays." Also strike out the words, "members and" in the fourth resolution, also strike out the 36th, 37th and 38th lines of the fourth resolution, on the 7th and 8th pages.

On motion of Mitchell, the rules were suspended, the amendments considered engrossed. H. J. R. No. 2 read third time by title, and passed as amended, by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Thomas, White, Witter and Mr. President:—10.

No—Gillette and Morris:—2.

Title agreed to.

Mr. President announced that he was about to sign H. Bs. Nos. 74 and 8, C. Bs. Nos. 17, 20 and 43, and H. J. R. No. 10.

H. B. No. 66 with amendments thereto attached, was reported back from the committee on judiciary, recommending passage of the bill as amended.

On motion of White, said bill and amendments were recommitteed to judiciary committee.

On motion of Cardwell, Council adjourned until 10 A. M. Monday next.

FIFTY-SEVENTH DAY.

COUNCIL CHAMBER,
Helena, M. T., March 5. 1883.

Council met, pursuant to adjournment, at 10 A. M.

Mr. President in the chair.

Roll called, all present.

Prayer by the chaplain.

Journal of Saturday read and approved.

The following report was received :

Mr. President :

Your joint committee on enrollment beg leave to report that C. B. No. 17, "An act to amend an act entitled an act to require persons keeping saloons or gaming houses to prohibit boys from stopping therein;" C. B. No. 43, "An act to incorporate the Helena Classical School;" H. B. No. 8, "An act to provide for the funding of the outstanding indebtedness of Dawson county;" H. J. R. No. 10, "An act authorizing employment of additional clerks;" H. B. No. 74, "An act to enable the county of Choteau to erect a court house;" C. B. No. 20, "An act to change the name of Johannes Gustaffson to John G. Hulten," were presented to the Governor on March 3d, 1883, at 5.30 P. M.

MITCHELL,
Chairman.

The following communication from the Governor was received :

EXECUTIVE OFFICE,
Helena, March 3d, 1883.

To the Council :

I have the honor to inform you that I have this day approved the following Council Bills :

C. B. No. 17, "An act to amend an act entitled an act to require persons keeping saloons or gaming houses to prohibit boys from stopping therein."

C. B. No. 20, "An act to change the name of Johannes Gustaffson to John G. Hulten."

C. B. No. 43, "An act to incorporate the Helena Classical School."

I am, Very Respectfully,
Your Obed't Servant,
JNO. SCHUYLER CROSBY,
Governor.

Thomas presented petition from citizens of Gallatin county remonstrating against organization of new county, also telegram relative thereto.

Petition and telegram referred to committee on towns and counties.

The following reports were received :

Mr. President :

Your committee on ways and means, to whom was referred substitute for H. B. No. 25, "An act in relation to printing," have had the same under consideration, and would respectfully recommend that the bill pass.

MORRIS,
Chairman.

Mr. President :

Your committee on ways and means, to whom was referred H. B. No. 40, "An act concerning the compensation of county assessor," have duly considered the same and report it back to the Council, recommending that the original bill do pass, with the following amendment, to be inserted in the bill as section 2 :

Section 2—This act shall not in any way affect the salary of the present incumbents.

MORRIS,
Chairman.

On motion of Cardwell amendments proposed by committee to H. B. No. 40 were adopted, and the amendments ordered engrossed.

The following reports were received :

Mr. President :

Your joint committee on enrollment beg leave to report that C. Bs. Nos. 15, 17, 20, 27, 43, and H. Bs. 8, 24, 47, 48, 53, 54, 55, 56, 58, 65, 74, 75, 77, 87, 92, 100 and 104 have been correctly enrolled.

MITCHELL,
Chairman.

Mr. President :

Your committee on agriculture and manufactures, to whom was referred House Bill No. 49, beg leave to report the same with amendments, and recommend that as amended the bill do pass.

W. E. BASS,
Chairman.

On motion of Witter H. B. No. 49, with amendments, was referred to the committee on ways and means, under instructions to report this p. m.

The following report was received :

Mr. President :

Your committee upon judiciary, to whom were referred the following bills, have considered the same, and report them back to the Council, with the following recommendations :

H. B. No. 113, entitled, "A bill relative to insane persons," with the recommendation that it be referred to the committee of the whole.

H. B. No. 106, entitled, "A bill for an act to punish persons for unlawfully diverting water," with the recommendation that it pass.

H. B. No. 83, entitled, "An act to amend the code of civil procedure," with the recommendation that it be referred to the committee of the whole.

C. G. Cox,
Chairman.

The above report of judiciary committee was adopted and H. Bs. Nos. 83 and 113 were referred to the committee of the whole and made special order for 2.30 this P. M.

The following report was received:

Mr. President:

Your committee upon judiciary, to whom were referred the following bills, beg leave to report that they have considered the same, and report them to the Council with the following recommendations:

H. B. No. 61, entitled "An act regulating insurance companies," with the recommendation that it pass.

H. B. No. 66, entitled "A bill providing for the punishment of persons obstructing railroads," with accompanying amendment, with the recommendation that as amended the bill pass.

CHAS. G. COX,
Chairman.

On motion of White the amendments proposed by committee to H. B. No. 66 were adopted, the rules suspended, the amendments considered engrossed, the bill read third time and passed as amended by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, White and Mr. President:—10.

No—Cox, Witter: 2.

Title agreed to.

On motion of Hamilton the vote by which H. B. No. 66 passed was reconsidered by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

White moved to refer H. B. No. 66 to committee on ways and means.

Thomas moved to amend by referring the bill to the judiciary committee. The amendment prevailing, the bill was referred to the judiciary committee.

Mr. President announced that he was about to sign H. Bs. Nos. 60, 81 and 102 and H. J. R. No. 9.

The following report was received:

Mr. President:

Your committee on grazing and stock growing, to whom was referred Council Bill No. 51, "A bill for an act to protect game, fur-

bearing animals and fish," have considered the same, and recommend its passage with the accompanying amendments.

GILLETTE,
Chairman.

So much of the amendment to C. B. No. 51 as permits the use of seines in the Missouri River below the Three Forks, was adopted.

So much as pertains to the striking out of sec. 13 and renumbering the remaining sections to conform thereto was adopted, and the bill ordered engrossed.

Cox's motion to take a recess until 2 p. m. was lost.

The following report was received :

Mr. President :

Your committee upon judiciary, to whom was referred H. B. No. 45, entitled "An act concerning chattel mortgages," have considered the same, and report it to the Council with the recommendation that it do not pass.

C. G. Cox,
Chairman.

On motion of Witter the above report was adopted and bill placed on file for third reading.

The committee on judiciary reported back H. B. No. 66 with amendments thereto attached.

On motion of White, the amendments were adopted, the rules suspended, amendments considered engrossed, the bill read third time and passed as amended by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White and Mr. President: 11.

No—Witter—1.

Title agreed to.

On motion of Witter, recess was taken until 2 p. m.

2 p. m. Council resumed.

Mr. President in the chair.

Roll called, quorum present.

Mr. President announced that he was about to sign H. Bs. Nos. 79, 90 and 111.

Bass introduced by unanimous consent, without previous notice C. B. No. 55, "A bill for an act to permanently fix and determine the boundary line of Deer Lodge county, dividing the line of said county from the county of Missoula and to provide for the appointment of commissioners thereof." The bill was read first and second time, on motion of Bass, the rules were suspended, the bill considered engrossed, read the third time by title, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Mitchell, Morris, Thomas, White, Witter and Mr. President:—11.

No—

Absent Hamilton, 1.

Title agreed to.

Mitchell introduced by unanimous consent without previous notice, C. B. No. 56, "A bill relative to the boundary line of Silver Bow county." The bill was read first and second time. On motion of Mitchell, the rules were suspended, the bill considered engrossed, read third time by title, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter, Mr. President: 12.

No—

Title agreed to.

Thomas introduced by unanimous consent without previous notice C. J. M. No. 8, "Pertaining to the boundaries of the Yellowstone National Park." The memorial was read first and second time, the rules suspended, considered engrossed, read third time by title, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Mr. President: 11—

No—

Absent Witter, 1.

Title agreed to.

Mitchell by unanimous consent without previous notice introduced C. B. No. 57, "An act to amend art, 1, chapter 26, of the fifth division of the revised statutes of Montana," for the protection of game, fur-bearing animals and fish." The bill was read first and second time, and referred to judiciary committee.

On motion of Chessman, the vote by which H. B. No. 70 had passed, was reconsidered by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Morris, Thomas, White, Witter and Mr. President:—11.

No—Mitchell:—1.

On motion of Chessman, the rules were suspended, the bill read third time by title and passed by the following vote:

Aye—Bass, Chessman, Cox, Gillette, Morris, Thomas, White, Witter and Mr. President:—9.

No—Cardwell, Hamilton and Mitchell:—3.

Title agreed to.

White gave notice that he would reconsider the vote by which H. B. No. 70 had passed.

The following report was received:

Mr. President :

Your committee on ways and means, to whom was referred H. B. No. 49, "An act for the better protection of live stock in the Territory of Montana," have duly considered the same and respectfully report the bill back, with amendments, and as amended recommend that the bill do pass.

MORRIS,
Chairman.

On motion of Chessman, the amendments offered by committee to H. B. No. 49 were adopted, and on motion of Hamilton, the rules were suspended, the amendments considered engrossed and the bill filed for third reading.

Mr. President announced that he was about to sign H. B. No. 88 and C. B. No. 30.

The following report was received :

Mr. President:

Your joint committee on enrollment beg leave to report that H. Joint Resolution No. 9, "Making appropriations for the Law Division of the Montana Library," House Bill No. 81, "An act to prevent the carrying of deadly weapons," House Bill No. 60, "An act concerning assessments of corporations," House Bill No. 102, "An act, to amend an act, entitled an act, to incorporate the city of Virginia approved December 30th, 1864," were presented to the Governor on March 5th, 1883, at 12.30 p. m.

MITCHELL,
Chairman.

The motion of Morris, to suspend the rules and consider substitute for H. B. No. 25, on call of the ayes and noes, prevailed by the following vote :

Aye—Bass, Cardwell, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas and Mr. President :—9.

No—Chessman, White and Witter :—3.

The bill was now read third time and passed by the following vote :

Aye—Bass, Cardwell, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas and Mr. President :—9.

No—Chessman, White and Witter :—3.

Title agreed to.

Mitchell by unanimous consent without previous notice, introduced C. B. No. 58, "An act to amend Secs. 7 and 77 of the fifth division of general laws, revised statutes of Montana." The bill was read first and second time, and referred to the committee on ways and means.

Hamilton introduced by unanimous consent without previous notice C. B. No. 59, "An act to change the name of William Kipp, to the name of William Hepburn," the bill was read first and second time, and on motion of Hamilton, the rules were suspended, the bill considered engrossed, read third time by title, and passed by the following vote :

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Mr. President : 10.

No—Cox and Witter : 2.

Title agreed to.

The following report was received :

Mr. President:

Your committee on engrossment, to whom was referred Council Bill No. 53 and Council amendments to House Bill No. 40, beg leave to report the same correctly engrossed,

W. E. BASS,
Chairman.

The following communication from the House was received:

HOUSE OF REPRESENTATIVES,
Helena M. T.; March 3d, 1883.

Mr. President:

I am instructed by the House to inform your honorable body, that bills were introduced as follows:

By Clutter—H. B. No. 117, "A bill for an act concerning the inmates of public institutions."

By Kanouse—H. B. No. 118, "A bill for an act, entitled an act to provide against escape of convicts."

By Mantle—H. B. No. 119, "An act to change the seat of Government of the Territory of Montana."

Also, H. B. No. 120, "A bill for an act, entitled an act to amend Sec. 1113, fifth division, revised statutes of Montana."

H. B. No. 119, was ordered printed

The Speaker has signed H. Bs. 48, 75, 24, 54 and 8, and C. Bs. 17, 20 and 43, and H. J. R. No. 10. C. J. M. No. 7 and 36, and H. Bills 110, 117 and 118 have passed and are herewith transmitted.

DAVID MARKS,
Chief Clerk.

C. J. M. No. 7 and C. B. No. 36 were ordered enrolled.

The following communication from the House was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 5th, 1883.

Mr. President:

I am instructed by the House to inform your honorable body, that the House refuses to concur in Council amendments to H. B. No 105, which relates to the licensing of houses of prostitution—All other amendments are concurred in.

DAVID MARKS,
Chief Clerk.

On motion of White, Council receded from its amendment to H. B. No. 105, relative to houses of prostitution.

The following communication from the House was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 5th, 1883.

Mr. President:

I am directed by the House to inform you that the House re-

fuses to concur in Council the amendments to H. J. R. No. 2, and respectfully request the Council to recede.

DAVID MARKS,
Chief Clerk.

White's motion not to recede from Council amendments to H. J. R. No. 2, was amended by Hamilton, that Council do recede, and the amendment was lost.

The motion of White, now being put was also lost, and the clerk was so instructed to inform the House.

The following communication from the House was received :

Mr. President :

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 5th, 1883.

I am directed by the House to inform your honorable body, that H. Bills Nos. 82, 86, 109, 94 and C. B. 28 as amended and C. B. 23 as amended, have passed and are herewith transmitted.

C. B. No. 32 has been lost and is transmitted.

The Speaker has signed C. B. 30 and H. B. 88.

DAVID MARKS,
Chief Clerk.

On motion of Witter, Council concurred in House amendments to C. B. No. 23.

On motion of Morris, Council concurred in House amendments to C. B. No. 28.

C. Bs. Nos. 23 and 28 were ordered enrolled.

The following report was received :

Mr. President :

Your committee on judiciary, to whom was referred H. B. No. 72, "An act to secure manufacturers and owners of rail road equipment and rolling stock in making conditional sales and contracts for the lease thereof," beg leave to report the same back, with the recommendation that it do pass.

C. G. Cox,
Chairman.

The following communication from the House was received :

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 5th, 1883.

Mr. President :

I have the honor to herewith transmit H. B. No. 8 with the objections of the Governor thereto. The question having been put, "Shall the bill pass the objections of the Governor to the contrary notwithstanding?" the bill passed by a vote exceeding two-thirds.

H. B. No. 75 was returned with the objections of the Governor, and the question being put, "Shall this bill pass, the objections of the Governor to the contrary notwithstanding?" the bill was lost.

DAVID MARKS,
Chief Clerk.

The motion of White, to reconsider the vote by which H. B. No. 8 has passed, prevailed by the following vote:

Aye—Bass, Chessman, Cox, Gillette, Hamilton, Mitchell, Thomas, White, Witter and Mr. President:—10.

No—Cardwell and Morris:—2.

On motion of Mitchell, H. B. 8 and the Governor's veto thereof was made the special orders of 3 P. M. to-morrow.

White withdrew notice of motion of reconsideration of H. B. No. 70.

The following communication from the House was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 5th, 1883.

Mr. President:

I am directed by the House to inform your honorable body, that the House has concurred in Council amendments to H. Bs. Nos. 179, 88, 90 and 102.

The House adheres to its amendments to C. B. No. 6 and the bill is herewith transmitted.

H. Bills Nos. 52, 85, 91 and 78 have passed the House, and are herewith transmitted.

H. B. No. 120 was lost.

The Speaker has signed H. Bills 60, 81, 102, 111, 79, 90 and H. J. R. No. 9.

DAVID MARKS,
Chief Clerk.

EXECUTIVE OFFICE,
Helena, March 5th, 1883.

To The House of Representatives:

House Bill No. 8, entitled "An act to provide for the refunding of the outstanding indebtedness of Dawson county, is herewith returned without my signature, for the following reasons:

The bill seems to provide for the conversion of depreciated warrants of Dawson county into seven per cent. bonds, having from 5 to 15 years to run; fortified by tax levied for the special purpose of paying principal and interest, with a mandate on the County Commissioners to make up any deficiency out of the general fund, and a provision that the Treasurer shall receive half of one per cent. in addition to his salary or fees now pertaining to his office.

The Territorial Auditor's statement shows that although county of Dawson, has been organized but a short time, the assessed value has decreased over 56 per cent. I have no knowledge of the nature of the expenditure or the necessities which have created the demand for a permanent bonded debt in lieu of warrants or the persons now holding these warrants or of the rate at which they were purchased. I believe, however, that the laws now in force and the contingent fund

will with reasonable economy provide for the county expenses, without funding the debt at present as proposed.

I am, Very Respectfully,
Your Obed't Servant,
JNO. SCHUYLER CROSBY,
Governor.

On motion of Mitchell, a committee of conference on the part of House and Council was requested relative to C. B. No. 6, and in conformity therewith Mr. President appointed, Mitchell and White on the part of the Council.

H. B. No. 52, "An act to amend the Montana school law," was read first and second time, and on motion of Mitchell, made the special order for 2.30 P. M. to-morrow.

H. B. No. 86, "An act to provide for the protection of laborers in mines," was read first and second time, and referred to committee on mines and minerals.

On motion of Chessman, to suspend the rules substitute for H. B. No. 4, was taken up for third reading, the bill read third time and passed by the following vote :

Aye—Bass, Cardwell, Chessman, Cox, Morris, Thomas, White, Witter and Mr. President:—9.

No—Gillette, Hamilton, Mitchell:—3.

Title agreed to.

H. B. No. 85, "A bill for an act in relation to rights of way," was read first and second time and referred to judiciary committee.

H. B. No. 78, "A bill for an act to amend sec. 191 and 309 of the first division of the code of civil procedure of the revised statutes of the Territory of Montana," was read first and second time and referred to the judiciary committee.

H. B. No. 91, "A bill for an act to provide for the collection of special road tax," was read first and second time and referred to the committee on roads and highways.

H. B. No. 94, "A bill providing for the service of process in criminal cases upon corporations," was read first and second time and referred to committee on judiciary.

Substitute for H. B. No. 82, "An act to regulate service upon corporations," was read first and second time and referred to judiciary committee.

H. B. 109, "An act to amend an act entitled an act to regulate the fees of sheriffs for board of prisoners," was read first and second time and referred to judiciary committee.

H. B. No. 37 was read third time and lost by the following vote :

Aye—Chessman, Gillette, Thomas, White and Witter:—5.

No—Bass, Cardwell, Cox, Hamilton, Mitchell, Morris and Mr. President:—7.

H. B. No. 96 was read third time and passed by the following vote :

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Morris, White and Mr. President:—9.

No—Gillette, Thomas and Witter :—3.

On motion of Mitchell Council resolved itself into committee of

the whole, Hamilton in the chair, for the consideration of general orders.

Council resumed, Mr. President in the chair.

On motion of Mitchell recess was taken until 7.30 p. m.

7.30 p. m. Council resumed.

Mr. President in the chair.

Roll called, quorum present.

The following report was received:

Mr. President:

Your joint committee on enrollment beg leave to report that H. B. No. 38, "A bill for an act to amend section 13 of the 5th division of the revised statutes of Montana relative to diseased animals;" H. B. No. 79, "An act to prevent the spread of contagious diseases among sheep;" H. B. No. 90, "An act to prevent the illegal killing of cattle;" H. B. No. 111, "An act to provide for the establishment of free public libraries;" C. B. No. 30, "An act to enable the citizens of Jefferson county to vote on the proposition of changing the county seat," were presented to the Governor on March 5th, 1883, at 5 p. m.

MITCHELL,
Chairman.

The following communication from the Governor was received:

EXECUTIVE OFFICE,
Helena, March 5, 1883.

To The Council:

I have the honor to inform you that I have this day approved C. B. No. 30, "An act to enable citizens of Jefferson county to vote on the proposition of changing the county seat."

I am, Very Respectfully,

Your Obed't Servant,

JNO. SCHUYLER CROSBY,
Governor.

The motion of Hamilton to take up H. B. No. 49 for third reading was lost.

Mr. President announced that he was about to sign C. Bs. Nos. 23 and 36 and C. J. M. No. 7.

H. B. No. 110, "A bill for an act to create the new county of Park," was, under suspension of the rules, on motion of White, read first and second time by title, and referred to the committee on towns and counties.

H. B. No. 117, "A bill for an act concerning the inmates of public institutions," was read first and second time and referred to committee on judiciary.

H. B. No. 118, "A bill for an act entitled an act to provide against

escape of convicts," was read first and second time and referred to committee on ways and means.

H. B. No. 49 was read third time and passed as amended by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White and Mr. President: 11.

No—Witter: 1.

Title agreed to.

H. B. No. 72 was, under suspension of the rules, on motion of White, read third time by title and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President: 11.

No—Gillette: 1.

Title agreed to.

H. B. No. 45 was read third time and lost by the following vote:

Aye—Gillette, Morris, Witter: 3.

No—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Thomas, White and Mr. President: 9.

H. B. No. 61 was, under suspension of the rules, on motion of White, read third time by title and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Mr. President: 11—

No—Witter: 1.

Title agreed to.

H. B. No. 40 was read third time and passed as amended by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Morris, White and Mr. President:—9.

No—Gillette, Thomas, Witter: 3.

Title agreed to.

H. B. No. 106 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, White and Mr. President:—10.

No—Cox: 1.

Absent, Witter, 1.

Title agreed to.

C. B. No. 53 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas and Mr. President: 9.

No—Cox and White: 2.

Absent, Witter, 1.

Title agreed to.

The following report was received:

Mr. President:

Your committee of the whole, to whom was referred H. B. 83 and H. B. 113, beg leave to report as follows: That H. B. No. 83 do not

pass ; that H. B. 113 do pass. All of which is respectfully submitted.

HAMILTON,
Chairman.

H. B. No. 83 was read third time and lost by the following vote :

Aye—Bass, Cardwell, Gillette, Hamilton, Mitchell : 5.

No—Chessman, Cox, Morris, Thomas, White, Mr. President : 6.

Absent, Witter, 1.

H. B. No. 113 was read third time and passed by the following vote :

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Thomas, White and Mr. President :—9.

No—Gillette and Morris :—2.

Absent, Witter, 1.

Title agreed to.

Thomas gave notice to reconsider the vote by which H B. No. 83 was lost.

White moved to lay the motion for reconsideration on the table.

On motion of Thomas call of House was ordered.

Roll called.

Absent Witter.

On motion of White further proceedings under call were suspended.

The motion of White to lay the motion relative to reconsideration of H. B. No. 83 on the table prevailed.

On motion of Cox Council adjourned until 11 A. M. to-morrow.

JAMES B. WELLS,
Chief Clerk.

FIFTY-EIGHTH DAY.

COUNCIL CHAMBER,
Helena, M. T., March 6. 1883.

Council met, pursuant to adjournment, at 11 A. M.

Mr. President in the chair.

Roll called, all present.

Prayer by the chaplain.

Journal of yesterday read and approved.

White by unanimous consent without previous notice, introduced C. B. No. 60, "A bill for an act, to amend an act, entitled an act exempting certain persons from jury duty, approved February 19th, 1881." The bill was read first and second time. On motion of Witter, the rules were suspended, the bill read third time by title, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Morris, Thomas, White, Witter, Mr. President: 11.

No—Gillette: 1.

Title agreed to.

The following report was received:

Mr. President:

Your joint committee on enrollment, beg leave to report that Council Bill No. 23, "An act concerning records of placer mining locations," Council Bill No. 36, "An act in relation to the law division and miscellaneous divisions of the Montana Library," were presented to the Governor on March 5th, 1883, at 8 P. M.

MITCHELL,
Chairman.

The following communication from the Governor was received:

EXECUTIVE OFFICE,
Helena, March 5th, 1883.

To the Council:

I have the honor to inform you that, I have this day approved Council Bill No. 23, "An act concerning records of placer mining locations," and Council Bill No. 36, "An act in relation to the law division and miscellaneous division of the Montana Library."

I am, Very Respectfully,

Your Obed't Servant,

JNO. SCHUYLER CROSBY,

Governor.

The following reports were received :

Mr. President :

Your committee on engrossment, to whom was referred Council Bill No. 51, beg leave to report the same correctly engrossed.

W. E. BASS,
Chairman.

Mr. President :

Your committee on ways and means, to whom was referred H. B. No. 118, "A bill for an act entitled an act to provide against escapes of convicts," have considered the same, and beg leave to report it back to the Council, recommending its passage.

MORRIS,
Chairman.

Mr. President :

Your special committee, to whom was referred H. B. No. 34, "An act to amend an act relative to bounty for killing certain animals," beg leave to report the bill back, with amendments, and as amended recommend its passage.

MITCHELL,
Chairman.

On motion of Hamilton the amendments proposed by special committee to H. B. No. 34 were adopted, and on motion of Chessman the rules were suspended, the amendments considered engrossed, and the bill filed for third reading.

Stuart by unanimous consent, without previous notice, introduced C. B. No. 61, "A bill for an act to provide a fish-breeding establishment." The bill was read first and second time.

The motion of White to amend said bill by striking out the words "twelve hundred" and inserting in lieu thereof the words "one hundred" was lost. The bill was now referred to committee on ways and means.

The following reports were received :

Mr. President :

Your committee upon judiciary, to whom was referred H. B. No. 85, entitled, "A bill for an act in relation to rights of way," have considered the same, and report it to the Council without recommendation.

C. G. COX,
Chairman.

Mr. President :

Your committee upon judiciary, to whom were referred the following bills, have considered the same, and report them to the Council with the following recommendations :

C. B. No. 57, entitled, "An act to amend article one, of chapter twenty-six, fifth division of the revised statutes of Montana, for the

protection of game, fur-bearing animals and fish," with the recommendation that it pass.

H. B. No. 94, entitled, "A bill providing for service of process in criminal cases upon corporations," with the recommendation that it pass.

Substitute for H. B. No. 82, entitled, "An act to regulate service of process upon corporations," with the recommendation that it pass.

H. B. No. 109, entitled, "An act to amend an act entitled an act to regulate fees of sheriffs for board of prisoners," with the recommendation that it pass.

H. B. No. 117, entitled, "A bill for an act concerning the inmates of public institutions," with accompanying amendments, with the recommendation that it pass as amended.

H. B. No. 78, entitled, "A bill for an act to amend sections 191 and 309 of the first division of the code of civil procedure of the revised statutes of the Territory of Montana," with the recommendation that it do not pass.

C. G. Cox,
Chairman.

On motion of Mitchell the amendments reported by judiciary committee to H. B. No. 117 were adopted, the rules suspended, the amendments considered engrossed, the bill read third time and passed as amended by the following vote:

Aye—Chessman, Cox, Gillette, Hamilton, Mitchell, White, Witter and Mr. President:—8.

No—Bass, Cardwell, Morris, Thomas: 4.

Title agreed to.

On motion of Morris recess was taken until 2 p. m.

2 p. m. Council resumed.

Mr. President in the chair.

Roll called, quorum present.

Mr. President announced that he was about to sign H. Bs. Nos. 4, 70, 96, 106, 113 and 25, and C. B. No. 28.

The following communication from the House was received:

HOUSE OF REPRESENTATIVES,
Helena M. T., March 6th, 1883.

Mr. President:

I am directed by the House to inform your honorable body that the House has concurred in Council amendments to H. J. R. No. 2.

The House refuses to concur in Council amendments to H. B. 49 and asks for a committee of conference.

The House insists on the Council receding from amendments to H. B. 28.

H. J. M. No. 8 has passed the House, and is herewith transmitted.

The Speaker has signed C. Bills 23, 36, 28 and C. J. M. No. 7, also H. Bills 70, 61, 25, 96, 66, 72, 113, 106 and 4.

DAVID MARKS,
Chief Clerk.

On motion of Cardwell call of House was ordered.

Roll called.

Absent, Cox.

On motion of White further proceedings under the call suspended.

Absentee in his seat.

On motion of White Council refused to recede from its amendments to H. Bs. Nos. 49 and 28, as requested by the House.

Hamilton introduced by unanimous consent, without previous notice, C. J. R. No. 7, "In reference to maps of Montana Territory." The resolution was read first and second time and referred to committee on towns and counties.

The following reports were received :

Mr. President :

Your joint committee on enrollment beg leave to report that C. B. No. 28, "An act in relation to county licenses;" H. B. No. 4, "An act in relation to water rights;" H. B. No. 70, "An act to authorize county commissioners to issue bonds to redeem outstanding indebtedness;" H. B. No. 113, "A bill in relation to insane persons;" H. B. No. 106, "An act to punish persons for unlawfully diverting water;" H. B. No. 25, "An act in relation to printing," were presented to the Governor on March 6th, 1883, at 2.15 p. m.

MITCHELL,
Chairman.

Mr. President :

Your committee on mines and minerals, to whom was referred H. B. No. 86, have considered the same, and report it back, with the recommendation that it do pass.

WITTER,
Chairman.

H. J. M. No. 8, "Concerning the charges on silver coinage and the silver interests," was read first and second time and referred to the committee on federal relations.

On motion of Hamilton Council resolved itself into committee of the whole, Hamilton in the chair, to consider H. B. No. No 52.

Council resumed.

Mr. President in the chair.

The following communication from the Governor was received :

EXECUTIVE OFFICE.

Helena, March 6, 1883.

To The Council:

I have the honor to inform you that I have this day approved Council Bill No. 28, "An act in relation to county licenses,"

I am, Very Respectfully,

Your Obed't Servant,

JNO. SCHUYLER CROSBY,

Governor.

The following communication from the House was received:

HOUSE OF REPRESENTATIVES,

Helena, M. T., March 6th, 1883.

Mr. President:

I am instructed by the House to inform you that the House refuses to concur in Council amendments to H. B. No. 40, and respectfully ask for a committee of conference; that the Speaker has appointed as such committee on the part of the House Allen, Cutter and Comly. That the House refuses to concur in Council amendments to H. B. No. 66, and respectfully asks the Council to recede.

DAVID MARKS,

Chief Clerk.

Council again in committee of the whole, Hamilton in the chair, to resume consideration of H. B. No. 52.

Council resumed.

Mr. President in the chair.

H. B. No. 8, returned without the Governor's signature, and having been made a special order for this hour, was put upon its final passage. The question being put, "Shall this bill pass, the objections of the Governor to the contrary notwithstanding?" the vote thereon was as follows:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Thomas, Mr. President: 7.

No—Gillette, Mitchell, Morris, White, Witter: 5.

The following report was received:

Mr. President:

Your joint committee on enrollment beg leave to report that C. Bs. Nos. 28 and 30, also H. Bs. Nos. 4, 70, 96, 106, 113, 25, 79, 90, 111, 88, 20, 43, 60, 81, 102 and H. J. R. No. 9 have been correctly enrolled.

MITCHELL,

Chairman.

As the committee of conference, relative to H. B. No. 40, as requested by the House, Mr. President appointed Messrs. Hamilton, White and Cardwell as such committee on the part of the Council.

On motion of Mitchell Council refused to recede, as requested by the House, from its amendments to H. B. No. 66.

On motion of Mitchell Council adjourned until 10 A. M. tomorrow.

JAMES B. WELLS,

Chief Clerk.

FIFTY-NINTH DAY.

COUNCIL CHAMBER,
Helena, M. T., March 7, 1883.

Council met, pursuant to adjournment, at 10 A. M.

Mr. President in the chair.

Prayer by the chaplain.

Roll called, all present.

Journal of yesterday read and approved.

Mr. President announced that he was about to sign, H. J. R. No. 2, H. B. No. 72, C. B. No. 19.

The following communication from the House was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 6th, 1883.

Mr. President:

I am directed by the House to inform your honorable body, that the Governor has returned H. B. No. 113, without his signature thereto. The vote by which the bill passed was reconsidered. The question being put, "Shall this bill pass the objections of the Governor to the contrary notwithstanding?" the bill passed by a vote exceeding two-thirds. The bill and the objections of the Governor thereto are herewith transmitted.

H. B. 25 has been returned by the Governor without his signature and his objections thereto. The vote by which the bill passed was reconsidered. The question being put, "Shall this bill pass the objections of the Governor, to the contrary notwithstanding?" the bill was lost.

The House has concurred in Council amendments to H. B. 117.

H. B. No. 119 was indefinitely postponed.

Settle introduced H. B. No. 121, "An act concerning witnesses."

C. B. 45, 56 and C. J. M. 8 have passed the House and are herewith transmitted.

The Speaker has signed H. J. R. 2, H. B. 72 and C. B. 19.

DAVID MARKS,
Chief Clerk.

EXECUTIVE OFFICE,
Helena, March 6th, 1883.

To The House of Representatives :

House Bill No. 113 entitled "A bill relative to insane persons," is respectfully returned without my signature for the following reasons:

Insanity, according to the testimony of physicians is increasing, and is not at all confined to the indigent. The bill might, ere long, impose an unexpected burden on the taxpayers. While in my opinion, the proper keeping of the insane may make it eminently just that no person adjudged insane should be refused admission, on some equitable terms of contribution, to the asylum provided by Territorial laws, justice to the taxpayers compels me to think that the expense of supporting those whose property or families can defray their charges, should not be thrown on the public.

Confinement may be essential to public safety, but I deem that the duty of Territorial expenditure for charity is limited to the destitute.

I am, Very Respectfully,
Your Obed't Servant,
JNO. SCHUYLER CROSBY,
Governor.

On motion of Mitchell, the vote by which H. B. No. 113 had passed was reconsidered by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Mitchell, Morris, Thomas, White and Mr. President: 10.

No—Witter: 1.

Absent, Hamilton, 1.

On motion of Cardwell, call of the House was ordered.

Roll called, absent Hamilton.

On motion of Bass, further proceedings under call suspended.

Absentee in his seat.

H. B. No. 113, having been vetoed by the Governor, was now put upon its final passage, the question being put, "Shall this bill pass the objections of the Governor to the contrary notwithstanding?" and the vote thereon was as follows.

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Thomas and White. 8.

No—Mitchell, Morris, Witter and Mr. President: 4.

The following report was received:

Mr. President:

Your committee on "ways and means," to whom was referred C. B. No. 25, "An act to enable the people of White Sulphur Springs to build a school house," have duly considered the same and report it back to the Council, without recommendation.

MORRIS,
Chairman.

On motion of Morris, C. B. No. 25 was indefinitely postponed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President: —12.

No—

The following report was received:

Mr. President:

Your committee on "ways and means," to whom was referred C. B. No. 58, "An act to amend Sec. 71 and 77 of the fifth division, general laws, revised statutes of Montana," have duly considered the same and beg leave to report it back to the Council, without recommendation.

MORRIS,
Chairman.

On motion of Mitchell, the bill was considered engrossed and filed for 3d reading, H. B. No. 109, was read 3d time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Mr. President: 12.

No—

Title agreed to.

H. B. No. 118 was read 3d time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Morris, Thomas, White, Witter and Mr. President: 11.

No—Mitchell: 1.

Title agreed to.

H. B. No. 94 was read 3d time and passed by the following vote:

Aye—Cardwell, Gillette, Mitchell, Morris, Thomas, White and Witter: 7.

No—Bass, Chessman, Cox, Hamilton, and Mr. President:—5.

Title agreed to.

H. B. No. 83 was read 3d time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Morris, Thomas, Witter, White and Mr. President:—11.

No—Gillette:—1.

Title agreed to.

H. B. No. 78 was read 3d time and lost by the following vote:

No—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Morris, Thomas, White and Mr. President: 10.

Aye—Gillette and Witter: 2.

The following communication was received:

Mr. President:

I am directed by the House to return to the Council H. B. 49, and request the indorsement thereon of the action of the Council. Bill herewith returned.

DAVID MARKS,
Chief Clerk.

On motion of White, H. B. No. 86 was made a special order for 11.30 A. M. to-morrow.

H. B. No. 85 was read 3d time and lost by the following vote:

Aye—Bass, Cardwell, Cox, Hamilton, Morris and Witter:—6.

No—Chessman, Gillette, Mitchell, Thomas, White and Mr. President:—6.

On motion of Hamilton, H. B. No. 34 was made special order for 3 P. M. to-day.

C. B. No. 51 was read 3d time and passed by the following vote :
Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton,
 Mitchell, Morris, White and Mr. President:—10.

No—Thomas and Witter:—2.

Title agreed to.

C. B. No. 58 was read 3d time and lost by the following vote :
Aye—Chessman, Gillette, Hamilton, Mitchell and Mr. President:—5.

No—Bass, Cardwell, Cox, Morris, Thomas, White and Witter: 7.

C. B. No. 57 was read 3d time and passed by the following vote :
Aye—Bass, Chessman, Cox, Gillette, Hamilton, Mitchell, White,
 Witter and Mr. President:—9.

No—Cardwell, Morris and Thomas:—3.

Title agreed to.

The following report was received :

Mr. President :

Your committee on towns and counties, to whom was referred C. J. R. No. 7, in reference to maps of Montana Territory, have had the same under consideration and beg leave to report the same back with the recommendation that it do pass.

CARDWELL,
 Chairman.

On motion of Mitchell, the rules were suspended, C. J. R. No. 7 was considered engrossed and filed for 3d reading.

Mr. President announced that he was about to sign C. Bs. 45 and 56, C. J. M. No. 8.

The following communication was received :

Mr. President :

I am instructed by the House to inform the Council that C. B. 37, "An act to provide for the levy and collection of street taxes in incorporated towns and cities," has passed the House, with amendments attached to the bill, and is herewith transmitted.

DAVID MARKS,
 Chief Clerk.

On motion of Chessman, the amendments offered by the House to C. B. No. 37 were concurred in by Council and the bill ordered enrolled.

The following report was received :

Mr. President :

Your committee of the whole, to whom was referred H. B. No. 52, "An act to amend the Montana school law," beg leave to report that they have considered the same and recommend the following amendments:

In Sec., 4. line 20, strike out the word "he" and insert in lieu thereof the words "the electors," also, in line 12 of same Sec., add after the words "twenty-one" the words "or more."

In Sec. 1149, B, on 6th line of said Sec., before word "less," add the word "not."

In Sec. 1149, E, strike out where it occurs the words "bookkeeping." And as so amended recommend that said bill do pass.

HAMILTON,
Chairman.

On motion of Cardwell, the report was adopted.

On motion of Witter the rules were suspended, the amendments were considered engrossed, H. B. No. 52 was read a third time by title and passed as amended by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Morris, Thomas, White, Witter and Mr. President: 11.

No—Mitchell, 1.

Title agreed to.

On motion of Cardwell recess was taken until 2 p. m.

2 p. m. Council resumed.

Mr. President in the chair.

Roll called quorum present.

White moved reconsideration of the vote by which H. B. No. 85 had been lost. The result was as follows:

Aye—Bass, Cardwell, Chessman, Cox, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President: 11.

No—

Absent, Gillette, 1.

On motion of Witter the clerk was instructed to recall H. B. No. 85 from the House.

The following communication was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 7th, 1883.

Mr. President:

I am directed by the House to inform your honorable body that the House insists that the Council recede from its amendments to H. B. 66, and asks for a committee of conference. That the Speaker has appointed as such committee on the part of the House Messrs. Comly, Jacobs and Malony.

H. B. No. 76 was indefinitely postponed.

The Speaker has signed C. J. M. 8 and C. Bs. 56 and 45.

H. Bs. 73, 97, 107, C. Bs. 55, 59 and 5J have passed the House and are herewith transmitted.

The House insists that the Council recede from its amendments to H. B. 49, and asks for a committee of conference. The chair has appointed as such committee on the part of the House Messrs. Kanouse, Comly and Edwards.

DAVID MARKS,
Chief Clerk.

The President appointed as committee of conference on H. B. No. 49, asked for by the House, Messrs. Hamilton, Thomas, Cardwell. The President appointed as committee of conference on H. B. 66, asked for by the House, Messrs. White, Bass, Cox.

The President announced that he was about to sign C. Bs. No. 46, 55 and 59.

White, from select committee having in charge H. B. No. 112, "An act relative to the offices of county commissioners of Custer county," offered a majority report of such committee, which, on motion of Cox, was made a special order for 7.30 p. m. this day, in order that the minority of such committee could prepare his report.

The following report was received :

Mr. President:

Your committee on education and labor, to whom was referred House Joint Resolution No. 8, "To provide for the care of orphans," have considered the same, and believing that the maintenance of orphans should properly fall upon the counties to which they respectively belong, would recommend that it do not pass.

GILLETTE,
Chairman.

H. B. No. 73, "An act to apportion the members of the Legislative assembly," was read first and second times and referred to the committee on elections.

H. B. No. 97, "A bill for an act to amend the code of civil procedure," was read first and second times and referred to the committee on judiciary.

H. B. No. 107, "A bill for an act authorizing certain assessments to be made in Deer Lodge county," was read first and second times and referred to the committee on ways and means.

The following communication was received :

EXECUTIVE OFFICE.

Helena, March 7, 1883.

To The Council:

I have the honor to inform you that I have this day approved Council Bill No. 45, "An act to incorporate the city of Fort Benton."

Council Bill No. 19, "An act to incorporate the town of Bozeman."

Council Bill 56, "An act relative to the boundary of Silver Bow county."

I am, Very Respectfully,
Your Obed't Servant,
JNO. SCHUYLER CROSBY,
Governor.

H. J. R. No. 8 was taken up for third reading, and on motion of Cox was made a special order for 7.30 p. m. this day.

C. J. R. No. 7 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

H. B. No. 34 was read third time and passed as amended by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, White and Mr. President:—10.

No—Thomas and Witter:—2.

Title agreed to.

The following report was received:

Mr. President:

Your joint committee on enrollment beg leave to report that C. B. No. 19, "An act to incorporate the town of Bozeman;" H. B. No. 72, "An act to secure manufacturers and owners of railroad equipments and rolling stock in making conditional sales and contracts for the loan thereof;" H. J. R. No. 2, "Providing for a constitutional convention;" C. B. No. 56, "An act relative to the boundary line of Silver Bow county;" C. B. No. 45, "An act to incorporate the city of Fort Benton;" H. B. No. 96, "An act concerning building corporations," were presented to the Governor on March 7th, 1883, at 12.15 P. M.

MITCHELL,
Chairman.

The following report was received:

Mr. President:

Your committee on elections, to whom was referred H. B. No. 73, "An act to apportion the members of the Legislative Assembly," have considered the same, and report it back to the Council with the following amendments, and recommend that as amended it do pass.

Amend section 2, line 21, by inserting the word "jointly" after the word "member" on said line, also, by inserting the word "jointly" after the word "member" on line 23 of said section.

MORRIS,
Chairman.

On motion of Witter the amendments offered by the committee on elections to H. B. No. 73, was adopted.

Cardwell's motion to recommit H. B. No. 73 to committee on elections, for amendment, was on motion of Mitchell laid on the table.

H. B. No. 73 was read third time and passed as amended by the following vote:

Aye—Bass, Cox, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President: 9.

No—Cardwell, Chessman and Gillette : 3.
Title agreed to.

The following communication from the House was received :

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 7th, 1883.

Mr. President :

I am directed by the House to inform your honorable body, that the House has concurred in Council amendments to H. Bills 40 and 52. C. B. No. 60 as amended has passed the House and is herewith transmitted.

H. B. No. 85 as per request of Council, is transmitted.

DAVID MARKS,
Chief Clerk.

On motion of Witter, H. B. No. 85 was placed on calender for third reading. C. B. No. 60 having been returned by the House with amendments, the amendment was on motion of White, concurred in, and the bill was ordered enrolled.

Mitchell by unanimous consent without previous notice, introduced C. B. No. 62, "A bill for an act to amend Sec., 110, of chapter 7 of the fifth division of the revised statutes of Montana." The bill was read first and second time, and referred to the committee on ways and means.

The following report was received :

Mr. President :

Your committee of conference regarding the disagreement of the Two Houses, upon Council amendments to H. B. 49, have met the members of said committee upon the part of the House, and after a free conference said committee have agreed to report to their respected Houses, recommending that the House concur in all Council amendments; except that "levying a tax of one mill upon the dollar, upon all live stock property"—and that as to that amendment recommend that the Council recede therefrom.

HAMILTON,
CARDWELL,
GEO. D. THOMAS.

On motion of Bass, the report of the conference committee on H. B. No. 49 was adopted by the following vote :

Aye—Bass, Cardwell, Cox, Gillette, Hamilton, Mitchell, Thomas, Witter and Mr. President: 9.

No—Chessman, Morris and White: 3.

Witter gave notice that he would move to reconsider the vote, by which the report of the conference committee was adopted on tomorrow. Mitchell moved to reconsider the vote now, and to lay that motion upon the table, which motion prevailed by the following vote :

Aye—Bass, Cardwell, Cox, Gillette, Hamilton, Mitchell, Thomas and Mr. President:—8.

No—Chessman, Morris, Witter and White: 4

Mr. President announced, that he was about to sign H. Bs. Nos. 40, 109, 117, 118 and C. Bs. Nos. 37, 46 and 59.

Hamilton moved to adjourn until 10 A. M. to-morrow.

White moved to amend by taking recess until 7.30 P. M.

Chessman moved call of the House.

Roll called, absent Gillette and Morris.

Absentees in their seats.

On motion of Hamilton, further proceedings under call was dispensed with.

Cardwell moved to adjourn until 10 A. M. to-morrow.

White moved to amend by taking a recess until 7.30 P. M. this day, which motion prevailed by the following vote:

Aye—Chessman, Gillette, Mitchell, Morris, Thomas, White and Witter: 7.

No—Bass, Cardwell, Cox, Hamilton and Mr. President:—5.

7.30 P. M.

Council resumed.

Mr. President in the chair.

Roll called, all present:

Cox by unanimous consent without previous notice, introduced C. B. No. 63, "A bill for an act to amend Sec. 332, of the fifth division of the revised statutes of Montana," was read first and second time, and on motion of Mitchell, the rules were suspended, the bill considered engrossed, read a third time by title, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Mr. President: 12.

No—

Title agreed to.

The following communication was received:

EXECUTIVE OFFICE,

Helena, March 7th, 1883.

To the Council:

I have the honor to inform you that I have this day approved Council Bill No. 37, "An act to provide for the levy and collection of street taxes in incorporated towns and cities."

Council Bill No. 6, "An act to amend the code of civil procedure of the Territory of Montana."

Council Bill No. 59, "An act to change the name of William Kipp to the name of William Upham."

I am, Very Respectfully,

Your Obed't Servant,

JNO. SCHUYLER CROSBY,

Governor.

The following communication was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 7th, 1883.

Mr. President :

I am directed by the House to inform your honorable body, that House Bill 4 was returned to the House without the signature of the Governor. The vote by which the bill passed was reconsidered and upon the question being put, "Shall this bill pass the objections of the Governor to the contrary notwithstanding?" the bill was lost.

The Speaker has signed H. Bills 109, 117, 118, 40 and C. Bills 37, 59 and 46.

H. B. No. 98 was lost.

C. B. 47, 44 and 53 as amended and H. B. No. 121 have passed the House and are herewith transmitted.

DAVID MARKS,
Chief Clerk.

C. B. No. 53 having been returned by House, with amendments, was upon motion of White, concurred in.

C. Bs. Nos. 44, 47 and 53 were ordered enrolled.

The hour having arrived for which substitute for H. B. No. 112 was made special order; Cox, moved to defer action on said bill until 11 A. M. to-morrow, which motion was lost by the following vote:

Aye—Bass, Cardwell, Cox, Hamilton, Morris and Mr. President:—6.

No—Chessman, Gillette, Mitchell, Thomas, White and Witter: 6.

The following reports were received.

Mr. President :

Consideration has been given by the undersigned to the message of his excellency, the Governor, and the accompanying documents which pertains to the official corruption by the board of commissioners in the affairs of the county of Custer; as also House Bill No. 112, "A bill for an act relative to the offices of County Commissioners of Custer county," which has passed the House of Representatives and was referred to a special committee in the Council. We are impressed with the fact that the remedy proposed for the evils which prevail are unusual in their character, but it cannot be denied successfully, that the condition of affairs in that county calls for a remedy which shall be immediate and effectual. While under ordinary circumstances your committee would insist upon an instantaneous suspension of the officials, having in charge the management of those affairs in that county and their dismissal immediately upon a hearing where all parties could introduce witnesses, but the exigencies of the situation are such as do not admit of the deliberation which such a course would require. The Legislature cannot and does not act upon those technical rules which characterize the administration of criminal laws in courts of justice. Your committee are of the further opinion that a law, general in its character, and applicable to all counties in the Territory, should be prepared and passed in the present session of the Legislative Assembly, whereby all officers,

county, district and Territorial, could be suspended by some higher authority, and removed upon proof of official corruption and infidelity. But the time required for the preparation and passage of such an act would not be wholly effectual, in the judgment of your committee, to remedy the evil of which the citizens of Custer county complain, and we are therefore of the opinion that House Bili No. 112, should be passed into a law. It remits to the citizens of that county, the correction of the evils complained of at an early day. Your committee, therefore, recommend that the bill do pass.

WHITE,
Chairman.

Mr. President :

The undersigned, a minority of the special committee to whom was referred H. B. No. 112, entitled, "A bill for an act relative to the officers of county commissioners of Custer county," has considered the same, and reports it to the Council, with the recommendation that it do *not* pass.

The remedy sought by the promoters of this bill lies in the courts. The court where this remedy should be sought sits in April—within thirty days from the adjournment of this body—and the remedy sought can be had by immediate procedure therein.

The presence of the promoters of the bill in this body embodies the suggestion that they have no case, in law or equity, in the courts, or dare not appeal to the law, and seek by an extraordinary, violent and unconstitutional proceeding, to overthrow the verdict of popular judgment, the proper and lawfully acquired rights of present officials, and to baffle and and defeat the operation of existing laws.

No evidence, admissable upon judicial inquiry in any court, has been presented to this committee; and the judgment of the Council should not be precipitated to the support of the report of the majority of the committee, without proof, legal and sufficient, in all essential attributes.

No exigency of public affairs in Custer county is presented upon tenable or admissable evidence, whereby legislative interposition can be justified, or considered as intelligent.

The suggestion of the majority report that a general law be passed, is acceptable to the minority. But this suggestion is fatal to the remedy proposed by the bill under consideration. From this, it clearly appears, that no remedy, such as is sought by this bill, is afforded by existing legislation, nor upon any presentment made, does the necessity for the proposed legislation appear.

It proposes that "upon proof of official corruption and infidelity," officials shall be suspended by a "higher authority"—and removed from office. This is provided for by existing laws—what "higher authority" exists than the courts?

Shall this power be taken from the tribunals of justice, and vested in some other authority? This proceeding is pernicious.

But, at all events, the report of the majority calls for "proof."

There is no proof of anything alleged or suggested in its report.

Proof should be had before this body acts. It is childlike for a legislative body to act without it.

It is an erroneous judgment that officers, elected and in office, can, in the single instance affected by the measure under consideration, be legislated out of office. The office may, perhaps, by law, be abolished; though it is more than an open question whether this can be legally done until the expiration of the official term.

Such legislation affects what properly may be regarded as a vested right, of which, if the holder can be divested at all, he can only be so divested by action of a court after hearing upon the merits.

No Legislature has acted upon an ex-parte statement. It is unsafe and impolitic, and, inevitably, leads to dangerous and disastrous consequences.

The maxim of the law is "*Andi altamen par tem*"—"I hear the other side."

This condensed proposition of important political truth cannot be safely disregarded.

It is a violent and revolutionary suggestion, and it equips a dangerous purpose, to suggest that, even upon ex-parte statements properly verified, a citizen and office holder shall be dismissed from office by the "higher authority" indicated by the report of the majority. The proposition is much more objectionable when it permits the "higher authority" to dismiss a duly elected official upon ex parte statements not so verified.

It practically takes from the people their rightful power.

Both sides should be heard; it may be that a commission might be qualified with the exceptional jurisdiction to hear the testimony in the premises. But this device and expedient would be clumsy, and obviously objectionable.

The true and lawful remedy is in the courts. The means and processes, in the case of Custer county, are at hand. As already suggested, the court sits within a month. Its auxilliary processes can be, at once, invoked and enforced, if a proper case can be suggested, and a case can always be made, justifying judicial interposition upon ex-parte statements if duly verified.

Again: The theory of existing legislation, and of the general law, is, and has always been, and as it always should be, that no person should be deprived of any right by reason of alleged wrongdoing, until proper complaint, or indictment, at least, has been preferred against him, and the general term of authority, and intelligent and dispassionate opinion, is to the effect that suspension or dismissal should wait upon conviction found by a jury of the country, and the duly authorized judgment of a court.

In the view and judgment of the minority, this bill, if passed, intended only to be applicable to a single county, would, in the instance of this county, be entirely inoperative, and cannot be enforced. The courts pass upon legislation, and will characterize this bill as contrary to the fundamental law of the Territory, and that it should not, and cannot be, countenanced.

For these, and other obvious reasons, the minority of your special committee dissents from the opinions and actions of the majority and respectfully requests the adoption of its report.

CHAR. F. COX,
Of the Minority.

On motion of White, the previous question was demanded, and prevailed by the following vote:

Aye—Chessman, Gillette, Mitchell, Morris, Thomas, White and Witter:—7.

No—Bass, Cardwell, Cox, Hamilton, and Mr. President:—5.

H. B. No. 112 was read third time and passed by the following vote:

Aye—Chessman, Gillette, Mitchell, Morris, Thomas, White and Witter: 7.

No—Bass, Cardwell, Cox, Hamilton, Mr. President: 5.

Title agreed to.

Mr. President announced signing H. Bs. Nos. 73, 83 and 94.

On motion of Witter, the Council adjourned until 10 A. M. to-morrow.

JAMES B. WELLS,
Chief Clerk.

SIXTIETH DAY.

COUNCIL CHAMBER,
Helena, M. T., March 8, 1883.

Council met, pursuant to adjournment, at 10 A. M.

Mr. President in the chair.

Roll called, all present.

Prayer by the chaplain.

Journal of yesterday read and approved.

The following reports were received:

Mr. President:

Your Joint Committee on enrollment, beg leave to report that House J. M. No. 2, C. J. M. No. 8, C. Bs. Nos. 19, 45, 56, 46, 55, 59, and 37, H. Bs. Nos. 72, 40, 109, 117, 118, 73, 83 and 94, are correctly enrolled.

MITCHELL,
Chairman.

Your Joint Committee on enrollment, beg leave to report that House Bill No. 40, "An act concerning the compensation of county assessors;" House Bill No. 118, "An act to provide against escape of convicts;" House Bill No. 109, "An act, to amend an act, entitled an act to regulate the fees of sheriffs, for board of prisoners;" House Bill 117, "An act concerning the inmates of public institutions;" Council Bill No. 87, "An act to provide for the levy and collection of street taxes, in incorporated towns and cities;" Council Bills No. 46 and 50, "An act to amend the code of civil procedure

of the Territory of Montana ;" "An act to change the name of William Kipp to the name of William Upham," were presented to the Governor on March 7th, 1883, at 4.30 p. m.

MITCHELL,
Chairman.

The following communication was received :

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 7th, 1883.

Mr. President:

I am directed by the House to inform your honorable body, that the House refuses to concur in Council amendments to H. B. 49 and asks for a committee of conference—the chair has appointed as such committee on the part of the House, Messrs. Comly, Kanouse and Edwards.

The Speaker has signed H. Bs. 73, 82 and 94.

DAVID MARKS,
Chief Clerk.

Mr. President appointed as committee of conference (asked for by the House on H. B. No. 49), Messrs Cox, Bass and Gillette.

On motion of Witter, H. B. No. 85 was taken up, read a third time and passed by the following vote :

Aye—Cardwell, Chessman, Gillette, Morris, Thomas; White and Witter :—7.

No—Bass, Cox, Hamilton, Mitchell and Mr. President :—5.

Title agreed to.

The following report was received :

Mr. President:

The undersigned, a minority of the committee upon education and labor, to whom was referred H. J. R. No. 8, to provide for the care of orphans, has considered the same and report it to the Council, with the recommendation that it be adopted.

C. G. Cox,
Of the Minority.

H. J. R. No. 8 was read third time and lost by the following vote :

Aye—Cardwell, Cox, Hamilton, Mitchell and White :—5.

No—Bass, Chessman, Gillette, Morris, Thomas, Witter and Mr. President :—7.

On motion of Cox, the rules were suspended, and H. B. No. 121 was read first and second times.

On motion of White, the rules were suspended, H. B. No. 121 was read a third time and passed by the following vote :

Aye—Cardwell, Cox, Hamilton, Thomas, White, Witter, Mr. President : 7.

No—Bass, Chessman, Gillette, Mitchell, Morris : 5.

Title agreed to.

The following report was received :

Mr. President:

Your select committee to whom was referred, the consideration of the question of privilege raised by the Hon. C. G. Cox of Custer county, have had the same under consideration, and present the following report with accompanying papers to your honorable body :

We find, from the written admission of the reporter of the *Herald* herewith transmitted, that he is to be held responsible for the report in the *Helena Herald*, which occasioned the suggestion of privilege.

We further find that such report, as printed in the *Herald* was false, and an insult to this body, and in violation of the privileges.

And we further recommend that the present reporter of the *Herald* be excluded hereafter from the floor of the Council, and that the Sergeant-At-Arms be instructed to exclude said reporter of the *Helena Herald* from the floor of the Council.

A. B. HAMILTON,
W. E. BASS.

To The Special Committee, Messrs. White, Bass and Hamilton:

According to the rules of journalism, the matter to which your attention was called, being in the report of the Council proceedings published in the *Herald*, is held to the credit of the reporter and for this report the *Herald* reporter in the Council is responsible.

Yours Respectfully,
HERALD REPORTER.

On motion of Mitchell, the report was adopted and the Sergeant-At-Arms was instructed to exclude the *Herald* reporter from the privileges of the floor of the Council.

On motion of Witter, H. B. No. 86 was taken up for third reading, the clerk proceeded to read.

On motion of Mitchell, further reading was dispensed with.

On motion of White, H. B. No. 86 was laid on the table.

The following communication was received :

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 8th, 1883.

Mr. President :

I have the honor to inform you, that C. B. No. 21 was lost; H. B. No. 90, H. J. R. No. 11, C. B. No. 3 as amended have passed, and are transmitted; that H. B. Nos. 23, 62, 35, 103 and 114 have been indefinitely postponed, that C. Bills Nos. 12, 34, 48 and 22 have been indefinitely postponed and are transmitted.

Bills were introduced as follows—H. B. No. 122, "An act, to amend an act, entitled an act to provide for municipal corporations in the Territory of Montana, approved Feb. 17th, 1881." H. B. No. 123, "An act for the better protection and preservation of timber in the Territory of Montana."

DAVID MARKS,
Chief Clerk.

Mr. President announced signing H. B. No. 52, H. B. No. 112, C. B. No. 53, C. B. No. 3 having been returned from the House with amendments was on motion of Cox, concurred in by the Council and the bill ordered enrolled.

On motion of Mitchell, recess was taken until 2 p. m.

2 p. m. Council resumed.

Mr. President in the chair.

Roll called, all present.

Journal read and approved to this writing.

The motion of White, to reconsider the vote by which the resolution in regard to the expulsion of the *Herald* reporter, was on motion of Hamilton, laid on the table by the following vote:

Aye—Bass, Cardwell, Cox, Hamilton, Mitchell, Morris, and Mr. President:—7.

No—Chessman, Gillette, Thomas, White and Witter:—5.

The following communication was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 8th, 1883.

Mr. President:

I am directed by the House to inform your honorable body, that House has concurred in Council amendment to H. B. 34.

DAVID MARKS,
Chief Clerk.

The following report was received:

Mr. President:

Your committee on federal relations, to whom was referred H. J. M. No. 8 concerning the change in silver coinage; respectfully beg leave to report the same back, with amendments and as amended recommend that it do pass.

WHITE,
Chairman.

On motion of Mitchell the amendments were adopted.

On motion of White the rules were suspended, the amendments considered engrossed, H. J. M. No. 8 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—12.

No—

Title agreed to.

The following reports were received:

Mr. President:

Your joint committee on enrollment beg leave to report that H.

B. Nos. 52, 73, 82, 94, 112 and C. B. No. 53 were presented to the Governor on March 8th, 1883, at 12 M.

MITCHELL,
Chairman.

Mr. President :

Your committee on roads and highways, to whom was referred House Bill No. 91, "An act to provide for the collection of special road tax," having considered the same, beg leave to report the bill back, with a recommendation that it do not pass.

MITCHELL,
Chairman.

On motion of Mitchell the report was adopted, and bill filed for third reading.

The following report was received :

Mr. President :

Your committee on ways and means, to whom was referred C. B. No. 62, "A bill for an act to amend sec. 110, of chapter 7, of fifth division of the revised statutes," have considered the same and respectfully report the bill back without recommendation.

MORRIS,
Chairman.

On motion of Gillette the rules were suspended, the bill considered engrossed, and filed for third reading.

The following reports were received :

Mr. President :

Your committee upon judiciary, to whom was referred H. B. No. 97, entitled, "An act to amend the code of civil procedure," have considered the same, and report it to the Council with the recommendation that it do pass.

C. G. Cox,
Chairman.

Mr. President :

Your committee of conference, to whom was referred H. B. No. 49, entitled, "A bill for the better protection of the stock interests," have considered the same in joint session with the committee appointed from the House, and report it to the Council with the recommendation that the Council recede from its amendments.

H. R. COMLY,
On Part of the House,
C. G. Cox,
On Part of the Council.

The motion of Hamilton that the Council do not recede from its amendments to H. B. No. 49 was lost by the following vote:

Aye—Bass, Cardwell, Cox, Gillette, Hamilton, Mitchell, Thomas and Mr. President: 8.

No—Chessman, Morris, Witter and White: 4.

The following report was received:

Mr. President:

Your committee on towns and counties, to whom was referred H. B. No. 110, "A bill for an act to create the new county of Park," have had the same under consideration, and beg leave to report the bill back with the recommendation that it do not pass.

CARDWELL,
Chairman.

The following communication was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 8th, 1883.

Mr. President:

I am instructed by the House to inform the Council that H. B. No. 124, "An act in relation to water rights," and H. J. R. No. 12, "For distribution of statutes," have passed and are herewith transmitted.

DAVID MARKS,
Chief Clerk.

H. J. R. No. 12, "For distribution of revised statutes," was read first and second time, and on motion of White the rules were suspended, read third time by title and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President: 12.

No—

Title agreed to.

The following report was received:

Mr. President:

Your committee on ways and means, to whom was referred H. B. No. 107, "An act authorizing certain assessments to be made in Deer Lodge county," and Council Bill No. 61, "An act to provide for a fish-breeding establishment," have had the same under consideration and respectfully report them back without any recommendation.

MORRIS,
Chairman.

On motion the rules were suspended, C. B. No. 61 was considered engrossed and filed for third reading.

The following communication was received:

EXECUTIVE OFFICE.

Helena, March 8, 1883.

To The Council:

I have the honor to inform you that I have this day approved C. B. No. 53, "An act to authorize the Supreme Court to employ a janitor, and to prescribe his duties."

I am, Very Respectfully,

Your Obed't Servant,

JNO. SCHUYLER CROSBY,

Governor.

The President announced signing H. B. No. 61, C. Bs. Nos. 44, 47 and 55.

The following communication was received:

EXECUTIVE OFFICE,

Helena, March 8th, 1883.

To the Council and House of Representatives :

The following official copy of a letter, addressed to the Governors of the Territories of Idaho, Dakota and Wyoming, is respectfully submitted for your information, and also the replies received thereto.

I am, Very Respectfully,

Your Obed't Servant,

JNO. SCHUYLER CROSBY,

Governor.

EXECUTIVE OFFICE,

Helena, M. T., February 7th, 1883.

To His Excellency, Gov. Hale, Wyoming, Gov. Neil, Idaho, and Gov. Ordway, Dakota :

MY DEAR GOVERNOR:

I take the liberty of inviting your earnest co-operation and wise counsel in some united effort to preserve the large game of the Northwest from wanton destruction by skin-hunting and so-called sportsmen. Concerted action can arrest this slaughter. I am doing all that I may to protect the game of Montana, and to insure the protection of the great National Park of the Yellowstone at all seasons from any hunting whatsoever, and with a view that it shall be a refuge for the game driven from the neighboring Territories by hunters in the latter. But I am utterly powerless beyond this point.

By absolutely protecting the several thousand square miles of the park for even a few years, it is believed that it will become so strongly stocked, that the overflow into the Northwestern Territories, if the game laws are there enforced during the close season, will add greatly to the food resources of the settlers in the neighboring Territories, and invite true sportsmen from all parts of the world to visit our region and annually spend large sums among our people.

But combined action to arrest marauders and to devise the best method of securing approaches for the hunted game to the safe refuge

of the park, is necessary. Skin hunters and men who kill for the sake of killing, easily evade the pursuit of officers in our Territory, by escaping out of their jurisdiction into another, or into the park itself. I think, from Secretary Teller's last instructions to the superintendent of the park, the general government will protect the park effectually, leaving it to the Territories to do their part.

I shall be very glad to get your suggestions and act with you and the Governors of the other Territories, in the most practical and earnest way to prevent violations of the game laws, arrest offenders against them and effect what I believe is a desirable end—the protection of our large game from annihilation.

I am, Very Respectfully,

Your Obed't Servant,

JNO. SCHUYLER CROSBY,

Governor.

Official copy: H. B. WILKINS, Jr., Acting Private Sec'y.

On motion of Mitchell, the papers accompanying communication were placed on file.

On motion of Morris, recess was taken until 3.30 p. m.

3.30 p. m.

Council resumed.

Mr. President in the chair.

Roll called, all present.

The following report was received:

Mr. President:

Your joint committee on enrollment beg leave to report that C. Bs. Nos. 47, 60, 44, 55, and H. B. No. 61 were presented to the Governor on March 8th, 1883, at 3 p. m.

MITCHELL,

Chairman.

The President announced that he was about to sign C. B. No. 3.

The following communication was received

Mr. President:

I am instructed by the House to inform your honorable body, that Council Bill No. 51, has passed the House with amendments and is herewith transmitted.

DAVID MARKS,

Chief Clerk.

C. B. No. 51 having been returned by the House, with amendments was upon motion of Hamilton, concurred in and the bill was ordered enrolled.

Cox introduced by unanimous consent C. J. R. No. 8, "A joint

resolution for the relief of the Honorable A. B. Hamilton," was read first time and on motion of Morris, was withdrawn for amendment.

The minority of committee on elections tendered their report. Witter moved the report be received and read; Mitchell moved to lay that motion on the table, prevailed by the following vote:

Aye—Bass, Cardwell, Cox, Mitchell, Morris, Mr. President: 6.

No—Chessman, Gillette, Thomas, White, Witter: 5.

The motion of Witter to take a recess for half an hour was lost.

H. J. R. No. 11, "To pay clerks," was on motion of Mitchell taken up, read first and second times, the rules were suspended, read a third time by title, and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Mr. President: 12.

No—

Title agreed to.

Cox re-introduced C. J. R. No. 8, which was read first and second times.

Cox moved to suspend the rules, which motion was lost by the following vote:

Aye—Bass, Cardwell, Cox, Hamilton, Mitchell, Morris and Mr. President:—7.

No—Chessman, Gillette, Thomas, White and Witter: 5.

On motion of Mitchell recess was taken until 5.05 P. M.

Council resumed.

Mr. President in the chair.

Roll called, all present.

White arose to question of privilege relative to right of H. S. Bach to a seat in this body, and asked leave to present a report of the minority of the committee on elections: On a call of the ayes and noes the question was lost by the following vote:

Aye—Bass, Cardwell, Cox, Mitchell, Morris, Mr. President: 6.

No—Chessman, Gillette, Thomas, White and Witter: 5.

Not voting, Hamilton, 1.

Mr. President announced signing H. J. R. No. 11, H. B. No. 121, H. B. No. 112 and H. B. No. 85.

White offered resolution relative to right of member to his seat in this body.

The motion of Bass to lay the resolution on the table prevailed by the following vote:

Aye—Bass, Cardwell, Cox, Mitchell, Morris, Mr. President 6.

No—Chessman, Gillette, Thomas, White and Witter:—5.

Not voting, Hamilton, 1.

Hamilton moved to reconsider the vote by which Council had receded from its amendments to H. B. No. 49, prevailed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas, White and Mr. President: 11.

No—Witter, 1.

On motion of Hamilton the bill was re-referred to the committee of conference.

White moved to instruct the committee on elections to report this evening relative to the right of H. S. Bach to a seat in this body.

The motion of Mitchell to lay that motion on the table prevailed by the following vote:

Aye—Bass, Cardwell, Cox, Mitchell, Morris, Mr. President: 6.

No—Chessman, Gillette, Thomas, White and Witter: 5.

Not voting, Hamilton, 1.

The motion of Morris to adjourn until 7.30 p. m. was lost.

The following communication was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 8th, 1883.

Mr. President:

I have the honor to inform you that C. J. R. No. 7 has passed and is transmitted; that C. B. No. 57 has been rejected by the House and is transmitted; that H. Bills Nos. 122 and 123 have passed this body and are also transmitted; the House has concurred in Council amendments to H. J. M. No. 8.

DAVID MARKS,
Chief Clerk.

On motion of Morris H. B. No. 124, "An act in relation to water rights," was read first and second times, and on motion of Morris the rules were suspended by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Morris, Thomas, White, Witter and Mr. President: 11.

No—Mitchell: 1.

The bill was now read a third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Morris, Thomas, White, Witter and Mr. President: 11.

No—Mitchell: 1.

Title agreed to.

The following report was received:

Mr. President:

Your joint committee on enrollment beg leave to report that H. B. No. 105 and C. B. No. 3 were presented to the Governor on March 8th, 1883, at 4.30 p. m.

MITCHELL,
Chairman.

Mitchell's motion to take recess to 7.30 p. m. was lost.

White's motion to take recess to 7.15 p. m. was lost by the following vote:

Aye—Cox, Hamilton, Mitchell, Morris, White: 5.

No—Bass, Cardwell, Chessman, Gillette, Thomas, Witter and Mr. President: 7.

On motion of Chessman H. B. No. 95, "An act prescribing the fees of Probate Judge," was read first and second time, the rules suspended by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Hamilton, Morris, Thomas, White, Witter and Mr. President: 11.

No—Mitchell: 1.

The bill was read third time and passed by the following vote:

Aye—Bass, Chessman, Gillette, Morris, Thomas, White, Witter and Mr. President: 8.

No—Cardwell, Cox, Hamilton, Mitchell: 4.

Title agreed to.

The motion of White to adjourn to 7.30 p. m. prevailed by the following vote:

Aye—Bass, Cox, Mitchell, Morris, Thomas, White, Witter: 7.

No—Cardwell, Chessman, Gillette, Hamilton, Mr. President: 5.

7.30 p. m. Council resumed.

Roll called, quorum present.

Hamilton moved call of the House.

On motion of Witter further proceedings under call dispensed with.

The following report was received:

Mr. President:

Your joint committee on enrollment beg leave to report that H. Bs. Nos. 85, 121, 49, House Joint Resolutions Nos. 11 and 12, were presented to the Governor on March 8th, 5.30 p. m.

MITCHELL,
Chairman.

H. B. No 123, "An act for the better protection and preservation of timber in the Territory of Montana," was read first and second times, and on motion of Mitchell the bill was referred to a select committee, with instructions to report in twenty minutes, prevailed by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Thomas, Mr. President: 8.

No Cox, Morris, White, Witter: 4.

And the President appointed as such committee Messrs. Bass, Chessman, Hamilton.

The following communications were received:

EXECUTIVE OFFICE,
Helena, March 8, 1883.

To The Council:

I have the honor to inform you that I have this day approved Council Bill No. 44, "An act to provide for the payment of board of Territorial convicts in county jails."

Council Bill No. 55, "An act to permanently fix and determine the boundary line of Deer Lodge county, dividing the line of said county from the county of Missoula, and to provide for the appointment of commissioners therefor."

Council Bill No. 60, "An act to amend an act entitled an act ex-

empting certain persons from jury duty, approved Feb. 19, 1881."

Council Bill No. 47, "An act relative to the procuring of licenses by persons who keep roller skating-rinks."

I am, Very Respectfully,
Your Obd't Servant,
JNO. SCHUYLER CROSBY,
Governor.

EXECUTIVE OFFICE,
Helena, March 8th, 1883.

To the Council:

I have the honor to inform you that I have this day approved Council Bill No. 3, "An act to enable the people of school District No. 1, of Custer county, to build a school house."

I am, Very Respectfully,
Your Obd't Servant,
JNO. SCHUYLER CROSBY,
Governor.

Mr. President announced a communication from the Governor requiring an executive session.

On motion of White the communication was considered in open Council, and the clerk was instructed to read said communication:

EXECUTIVE OFFICE,
Helena, March 8th, 1883.

To the Council:

I have the honor to nominate the following named persons to be Notaries Public in and for the Territory of Montana:

William Courtenay	of Custer Co.	L. S. Wells,	Lewis & Clark.
E. N. Harwood,	do	Theophilus Muffy,	Madison.
Henry S. Reed,	Deer Lodge.	James E. Kanouse,	Meagher.
Wm. F. Wheeler,	Lewis & Clarke.	J. E. Wasson,	do
George B. Foote,	do	Daniel Searles,	Silver Bow.
Edgar M. Hoyt,	do		

I am Very Respectfully,
Your Obd't Servant.
JNO. SCHUYLER CROSBY,
Governor.

On motion of White, the above named persons were confirmed Notaries Public, by a unanimous vote.

Cox moved to take up H. B. No. 110 and proceed to consider the same.

Witter's motion to lay that motion on the table, was lost by the following vote:

Aye—Chessman, Gillette, Morris, Thomas, White and Witter: 6.

No—Bass, Cardwell, Cox, Hamilton; Mitchell and Mr. President: 6.

Mr. President announced signing H. Bs. Nos. 95, 124 and 34; H. B. No. 110 was taken up for consideration.

On motion of White, the rules were suspended.

Cox moved a call of the House, roll called, absent Bass.

On motion of Mitchell, further proceedings under the call were

The Sergeant-At-Arms was instructed to bring in absentee.
dispensed with.

H. B. No. 110 was read a third time by title, and lost by the following vote:

No—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter and Mr. President:—11.

Aye—Cox:—1.

Cox by unanimous consent without previous notice, introduced C. B. No. 64, "An act, to amend an act, entitled an act to amend Sec. 332 of fifth division of the revised statutes of Montana, approved Feburary 15, 1883," was under a suspension of the rules, read first second and third times, and passed by the following vote:

Aye—Chessman, Gillette, Mitchell, Morris, Thomas, White, Witter, Cardwell, Cox, Hamilton, Mr. President: 11.

No—

Absent Bass, 1.

C. B. No. 61 was taken up for third reading. On motion of Mitchell, the rules were suspended, the bill was amended, amendments adopted considered engrossed, read a third time and passed by the following vote:

Aye—Cardwell, Chessman, Cox, Gillette, Hamilton, Mitchell and Mr. President:—7.

No—Bass, Morris, Thomas, White and Witter:—5.

Title agreed to.

H. B. No. 107 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Gillette, Hamilton, Mitchell, Morris, Thomas, White, Witter, Mr. President: 11.

No—Cox: 1.

Title agreed to.

The President announced signing C. Bs. Nos. 51 and 64.

H. B. No. 97 was read third time and passed by the following vote:

Aye—Bass, Cardwell, Chessman, Cox, Gillette, Mitchell, Thomas, Witter, White and Mr. President: 10.

No—

Absent, Hamilton and Morris, 2.

Title agreed to.

H. B. No. 91 was taken up for third reading, and on motion of Witter was indefinitely postponed.

* The following report was received:

Mr. President:

Your special committee, to whom was referred House Bill No. 123, "An act for the better protection and preservation of timber in the Territory of Montana," beg leave to report the same without recommendation.

W. E. BASS,
Chairman.

On motion of Witter, H. B. No. 123 was indefinitely postponed.
The following report was received:

Mr. President:

Your joint committee on enrollment beg leave to report that H. B. No. 36, 124, 95 and C. B. No. 51, C. J. R. No. 7 were presented to the Governor on March 8th, 1883.

MITCHELL,
Chairman.

The following resolution was received:

Resolved, That this Council, not in any obedience to custom and caring nothing for precedent, does, nevertheless, declare its judgment that the efficiency and fairness which the President of this Council, the Hon. Granville Stuart, has manifested, while presiding over its deliberations; it does therefore resolve that the thanks of the Council are due and are tendered to Mr. President Stuart for the courtesy which he has manifested, the fairness he has shown, and the efficiency he has exhibited in conducting the business of this session of the Legislative Assembly.

W. E. BASS.

The motion of Hamilton, to adopt the above report, was adopted by the following vote:

Aye—Bass, Cox, Gillette, Hamilton, Mitchell, Morris, Thomas: 7.

No—Chessman, White and Witter:—3.

Absent. Cardwell, 1.

Not voting, Mr. President, 1.

The following resolution was received:

Resolved, That the thanks of the Council are due and are hereby tendered to Jas. B. Wells, Esq., Chief Clerk, and his associates, for the able and faithful manner in which they have discharged their arduous duties.

MITCHELL,

On motion of Mitchell, the resolution was adopted.

On motion of Hamilton, a recess was taken for 15 minutes.

Council resumed.

Roll called, all present.

C. B. No. 63 was read third time and lost by the following vote:

Aye—Chessman, Cox, Gillette, Mitchell, Thomas and Mr. President: 6.

No—Bass, Cardwell, Hamilton, Morris, White and Witter: 6.

H. B. No. 122, "An act, to amend an act to provide for municipal corporations in the Territory of Montana, approved February 17, 1881," was read first and second time, rules suspended, read third time by title, and lost by the following vote:

Aye—Cardwell, Chessman, Gillette, Mitchell, Thomas and White: 6.

No—Bass, Cox, Hamilton, Morris, Witter and Mr. President: 6.

The following communication was received:

HOUSE OF REPRESENTATIVES,
Helena, M. T., March 8th, 1883.

Mr. President:

I am directed by the House, to inform the Council that C. B. 63, has passed the House with amendment.

Title agreed to.

Respectfully,
DAVID MARKS,
Chief Clerk.

On motion of Cox, the amendments were adopted, and the bill ordered enrolled.

On motion of Morris, recess was taken until 10.55 P. M.

10.55 P. M.

Council resumed.

Mr. President in the chair.

Roll called, quorum present.

Journal approved to this writing.

The President announced signing C. B. No. 63 and H. Bills Nos. 107, 97, and H. J. M. No. 8.

The following communication was received:

EXECUTIVE OFFICE,
Helena, March 8th, 1883.

To The Council:

I have the honor to inform you that I have this day approved Council Bill No. 51, "An act to protect game, fur bearing animals, and fish," and Council Joint Resolution No. 7 entitled "A Joint Resolution in reference to maps of Montana Territory."

I am, Very Respectfully,
Your Obed't Servant,
JNO. SCHUYLER CROSBY,
Governor.

The following resolution was introduced:

Resolved:

That the thanks of the Council are hereby extended to Sergeant-At-Arms, Fireman and Page for the efficient manner in which they have discharged their official duties.

THOMAS.

On motion of Thomas, the above resolution was unanimously adopted.

On motion of Hamilton, the President appointed a committee of

three, to act with a like committee from the House, to wait upon the Governor and ascertain if he had any further communications to make, to the Legislature.

The President appointed as such committee, Messrs. Hamilton, Bass and Gillette.

The following communication was received :

EXECUTIVE OFFICE,
Helena, M. T., March 8th, 1883.

To the Council :

I have the honor to inform you that I have this day approved Council Bill No. 63, "An act to amend section 332 of the fifth division of the revised statutes of Montana."

I am, Very Respectfully,

Your Obed't Servant,

JNO. SCHUYLER CROSBY,

Governor.

The following report was received :

Mr. President :

Your joint committee beg leave to report that Council Bill Nos. 51, 53 and 63, also House Bill Nos. 97 and 107, were presented to the Governor on March 8th, 1883.

MITCHELL,
Chairman.

Hamilton, from joint committee to wait upon the Governor, reported that duty performed, and that the Executive had no further communication to make.

The report was received and the committee discharged.

Journal read and approved to this writing.

The President announced that as the hour had arrived to which the Thirteenth Legislative Assembly must close, he declared the Council adjourned *sine die*.

JAMES B. WELLS,
Chief Clerk.